

COMMONWEALTH OF VIRGINIA
BOARD OF EDUCATION
RICHMOND, VIRGINIA

MINUTES

January 16, 2014

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

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

Dr. Billy K. Cannaday, Jr.
Mrs. Darla 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. Edwards made a motion to approve the minutes of the November 21, 2013, meeting of the Board. The motion was seconded by Mrs. Atkinson and carried unanimously. Copies of the minutes had been distributed in advance of the meeting.

RESOLUTIONS/RECOGNITIONS

Resolutions of Recognition were presented to Virginia's 2014 Teacher of the Year and Regional Teachers of the Year. They are as follows:

- Region 1—Tracey Zaval, Midlothian Middle School, Chesterfield County Public Schools
- Region 2—Carrie E. Gantt, Princess Anne High School, Virginia Beach City Public Schools
- Region 3—Tara J. Hefner, Courtland Elementary School, Spotsylvania County Public Schools
- Region 4 and 2014 Virginia Teacher of the Year—Melissa A. Porfirio, Crestwood Elementary School, Fairfax County Public Schools. Mrs. Porfirio is also one of four finalists for 2014 National Teacher of the Year.
- Region 5—Jennifer B. Lovett, Linkhorne Elementary School, Lynchburg City Public Schools
- Region 6—Byard W. “Trey” Harris, III, Bassett High School, Henry County Public Schools

- Region 7—Tina H. Cook, Chilhowie Middle School, Smyth County Public Schools
- Region 8—Shawnta L. Posey-James, Greenville County High School, Greenville County Public Schools

A Resolution of Appreciation for Outstanding Leadership and Service to Public Education was presented to Mrs. Betsy Beamer, member of the Virginia Board of Education, January 2010-January 2014, and vice president, 2012-2014.

A Resolution of Appreciation for Outstanding Leadership and Service to Public Education was presented to Mr. David Foster, member of the Virginia Board of Education, January 2010-January 2014, and president, 2012-2014.

Governor Terry McAuliffe and Secretary Anne Holton attended the meeting to congratulate Virginia's 2014 Teachers of the Year. Governor McAuliffe also thanked Mr. Foster and Mrs. Beamer for their service to public education as members of the Virginia Board of Education.

PUBLIC COMMENT

The following persons spoke during public comment:

- Dr. Murali Balaji, Hindu American Foundation, spoke on *History and Social Science Standards of Learning* revisions
- Juandiego Wade, spoke on Virginia School Boards Association's Task Force for Schools in Challenging Environment
- Mark Lineburg, spoke on the Task Force for Schools in Challenging Environment
- Rodney Jordan, spoke on the Task Force for Schools in Challenging Environment
- Nicole Dooley, JustChildren, Legal Aid Justice Center, spoke on zero tolerance policies
- Gladys Brenner, parent, spoke on assessments
- Kristen Harvard, Virginia Hospitality and Travel Association, spoke on pre-Labor Day waivers

Consent Agenda

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

Final Review of Financial Report on Literary Fund

With the Board's approval of the consent agenda, the Board approved the financial report (including all statements) on the status of the Literary Fund as of September 30, 2013.

ACTION/DISCUSSION ITEMS

Final Review of Consensus Report from the Board of Education Charter School Committee on the Proposed Metropolitan Preparatory Academy Charter School Application

Mrs. Diane Jay, associate director, Office of Program Administration and Accountability, presented this item on behalf of Mr. Braunlich, charter school committee chair.

- At the November 21, 2013, meeting of the Board of Education, the Board deferred action on the application of the Metropolitan Preparatory Charter School Committee. At that time, the Board expressed a desire to seek the opinions of the Charter School Committee regarding the applicant's additional evidence for the two elements the Committee's Consensus report indicated did not meet the criterion of the Board: Economic Soundness, and Management and Operations.
- Subsequent to the Board meeting, members of the Committee voting on the original application at the September 25, 2013, meeting received the supplemental documents. In response, five of the six Committee members indicated to staff that they felt the Economic Soundness criterion was met; six of the six agreed that the Management and Operations criterion had been met.

The Board discussion included:

- Mr. Braunlich noted the reservation expressed by a member of the charter school committee was a valid concern of revenue and projections of expenses that need to be discussed with the charter school authorizer. He noted the Board of Education's roll is limited by the General Assembly to assessing if the application meets the criterion. Mr. Braunlich said this is a unique and innovative school which is designed to be a single sex school to address the needs of a demographic and cohort in Richmond City Public Schools that could benefit tremendously.

Mr. Braunlich made a motion to accept the Charter School Committee's recommendation that the application for Metropolitan Preparatory Academy in Richmond is overall compliant with the Board of Education criteria. The motion was seconded by Dr. Baysal and carried unanimously.

Final Review of Guidance Related to Maximum Class Size Requirements in the Standards of Quality for Grades K-6

Mrs. Anne Wescott, assistant superintendent for policy and communications, presented this item. Her presentation included the following:

- Following the November 21 meeting, VDOE staff e-mailed the proposed guidance to the superintendents of every local school division and all of the major education organizations for comments and recommendations, especially as related to any fiscal impact or any unintended consequences. Representatives of eight school divisions and one teacher responded. Most of the comments indicated the guidance would have no fiscal impact and no unintended consequences. However, there were three recommendations for the Board's consideration:

One school division fiscal officer recommended revising the compliance section to eliminate what could be seen as an additional reporting requirement, as compliance with the Standards of Quality is

self-reported by school divisions and signed by the superintendent and school board chair. In response to the comment, language would be changed to clarify that the school divisions would have to determine compliance, based on student enrollment on September 30 and March 31, but would not have to make an additional report.

A superintendent recommended including the language in the Standards of Quality about exemption from the staffing requirements for approved virtual school programs. Section 22.1-253.13:2 (P) of the *Code of Virginia* says: “Notwithstanding the provisions of this section, when determining the assignment of instructional and other licensed personnel in subsections C through J, a local school board shall not be required to include full-time students of approved virtual school programs.” In response to the comment, language would be added to the guidelines to reference this section of the *Code*. This provision of the statute was part of the legislation that established multidivision online providers. The term “approved virtual school programs” references those programs in which the school division contracts with an approved multidivision online provider.

A teacher recommended lowering the maximum class size requirements, which would require a legislative change and a budget amendment to support the cost of the additional teachers. The Board will have an opportunity to consider this recommendation when it conducts its biennial review of the Standards of Quality in 2014.

- Finally, in response to the discussion at the November 21 Board meeting, language was added to state that student teachers or teachers who observe, rather than instruct, classes are not counted towards meeting SOQ student-teacher ratios or maximum class size requirements.

The Board’s discussion included:

- Mr. Braunlich asked if the student-teacher ratio would apply to blended learning environments. Mrs. Wescott responded that the student-teacher ratio would apply to blended learning environments because it is not a full-time virtual school. Mr. Braunlich said if a school division followed the guidance document it would inhibit the ability to experiment with blended learning classrooms. Mrs. Wescott said the ratios in the maximum class size provisions are also in the *Code*.
- Mr. Foster suggested adding instructional aides to the statement describing what student-teacher ratios shall not include. After much discussion Mr. Foster withdrew his suggestion.

Mrs. Beamer made a motion to approve the proposed *Guidance Related to Maximum Class Size Requirements in the Standards of Quality for Grades K-6*. The motion was seconded by Dr. Baysal and carried unanimously.

The guidance document regarding maximum class size and student-teacher ratios in the Standards of Quality is as follows:

Guidance Regarding Maximum Class Size and
Student-Teacher Ratios in the Standards of Quality

Statutory Authority

Standard 2 of the Standards of Quality, in § 22.1-253.13:2(C) of the *Code of Virginia*, says:

“Each school board shall assign licensed instructional personnel in a manner that produces divisionwide ratios of students in average daily membership to full-time equivalent teaching positions, excluding special

education teachers, principals, assistant principals, counselors, and librarians, that are not greater than the following ratios: (i) 24 to one in kindergarten with no class being larger than 29 students; if the average daily membership in any kindergarten class exceeds 24 pupils, a full-time teacher's aide shall be assigned to the class; (ii) 24 to one in grades one, two, and three with no class being larger than 30 students; (iii) 25 to one in grades four through six with no class being larger than 35 students; and (iv) 24 to one in English classes in grades six through 12.

“Within its regulations governing special education programs, the Board shall seek to set pupil/teacher ratios for pupils with intellectual disability that do not exceed the pupil/teacher ratios for self-contained classes for pupils with specific learning disabilities.

“Further, school boards shall assign instructional personnel in a manner that produces schoolwide ratios of students in average daily memberships to full-time equivalent teaching positions of 21 to one in middle schools and high schools. School divisions shall provide all middle and high school teachers with one planning period per day or the equivalent, unencumbered of any teaching or supervisory duties.”

Standard 2 of the Standards of Quality, in § 22.1-253.13:2(P) of the *Code of Virginia* says:

“Notwithstanding the provisions of this section, when determining the assignment of instructional and other licensed personnel in subsections C through J, a local school board shall not be required to include full-time students of approved virtual school programs.”

Standard 2 of the Standards of Quality, in § 22.1-253.13:2 (B) says:

“School boards shall employ licensed instructional personnel qualified in the relevant subject areas.”

Furthermore, as specified in § 22.1-299:

“No teacher shall be regularly employed by a school board or paid from public funds unless such teacher holds a license or provisional license issued by the Board of Education.”

Guidance

All local school divisions are expected to meet the divisionwide and schoolwide student-teacher ratios specified in the Standards of Quality (SOQ). The calculations for SOQ funding are based in part on the divisionwide and schoolwide ratios of students in average daily memberships to full-time equivalent teaching positions.

The special education caseload maximums, as prescribed in the Board’s *Regulations Governing Special Education Programs for Children with Disabilities in Virginia*, in 8 VAC 20-81-340, shall apply for students with disabilities. The maximum class size requirements in the Board’s *Regulations Governing Career and Technical Education*, in 8 VAC 20-120-150, shall apply to career and technical education classes.

Elementary schools and any other public schools that include grades K-6 shall not exceed the maximum class sizes for all K-6 classes.

For the purpose of this guidance, a *class* is a grouping of students in which they regularly receive instruction in the Standards of Learning by one or more teachers. If more than one teacher is assigned to a class for purposes of instructing students, each teacher shall count towards meeting the student-teacher ratio and any maximum class size requirements.

The student-teacher ratio shall not include special education teachers, principals, assistant principals, counselors, and librarians, as specified by the SOQ. Student teachers or teachers who observe classes are not counted towards meeting SOQ student-teacher ratios or maximum class size requirements.

For the purpose of this guidance, the following would not be considered a class:

- Enrichment programs and independent or collaborative projects conducted by students under the supervision of a licensed teacher
- Groupings of students for remediation or additional instruction unless that is how the students regularly receive primary instruction in the Standards of Learning
- “Homeroom” settings in which primary instruction in the Standards of Learning is not provided

Student teachers or teachers who observe, rather than instruct, classes are not counted towards meeting SOQ student-teacher ratios or maximum class size requirements.

Pursuant to § 22.1-253.13:2 (P) of the Code, the student-teacher ratios and maximum class size provisions are not required for full-time students of approved virtual school programs. This exemption applies only to full-time students of approved virtual school programs. The term “approved virtual school programs” references those programs for which the school division contracts with an approved multidivision online provider.

Certification of Compliance

Standards of Quality funding for instructional positions is calculated based on the annual September 30th report of student enrollment and the March 31st report of average daily membership. For purposes of this guidance, school divisions shall determine compliance with required divisionwide and schoolwide student-teacher ratios and maximum class sizes based on student enrollment data effective as of September 30th and March 31st.

School divisions should make every effort to be in compliance with the student-teacher ratio and maximum class size requirements by September 30th and throughout the year; however, from time to time there may be unpredictable enrollments and unexpected circumstances that cause a school division to be temporarily out of compliance. When this occurs, the school division should make arrangements to come in to compliance as soon as possible.

For the purpose of these guidelines, compliance with the student-teacher ratio and maximum class size requirements are based on the average daily membership for the class, the school, and the school division, as may be applicable, consistent with the Standards of Quality funding calculations.

Each year, during August and early September, local school divisions must self-certify compliance with the Standards of Quality for the previous school year. The report is made to the Virginia Department of Education (VDOE) through a single sign-on, Web-based data collection instrument. Both the superintendent and the school board chairman must sign the certification of compliance. If a school division is not in compliance with any requirement of the Standards of Quality, it must submit a corrective action plan for that requirement. The corrective action plan is included as a part of the single sign-on Web-based compliance form.

Each year, as a part of the annual report to the General Assembly on the condition and needs of public education in Virginia, the Board of Education is required by § 22.1-18 of the *Code of Virginia* to report the level of compliance by local school boards with the requirements of the Standards of Quality.

Noncompliance with the required divisionwide student-teacher ratios and maximum class size requirements, as well as the other requirements in the Standards of Quality, shall be enforced as prescribed by Standard 8 of the Standards of Quality, § 22.1-253.13:8 of the *Code of Virginia*:

“As required by § 22.1-18, the Board of Education shall submit to the Governor and the General Assembly a report on the condition and needs of public education in the Commonwealth and shall identify any school divisions and the specific schools therein that have failed to establish and maintain schools meeting the existing prescribed Standards of Quality.

“The Board of Education shall have authority to seek school division compliance with the foregoing Standards of Quality. When the Board of Education determines that a school division has failed or refused, and continues to fail or refuse, to comply with any such Standard, the Board may petition the circuit court having jurisdiction in the school division to mandate or otherwise enforce compliance with such standard,

including the development or implementation of any required corrective action plan that a local school board has failed or refused to develop or implement in a timely manner.”

Final Review of Recommended Revisions to the Substitute Tests Approved for Verified Credit

Mrs. Shelley Loving-Ryder, assistant superintendent for student assessment and school improvement, presented this item. Her presentation included the following:

- Recommendations for revisions to the cut scores for the achievement levels of pass/proficient and pass/advanced for certain substitute tests currently on the Board-approved list were presented.
- Recommendations for the removal of some of the previously approved substitute tests were presented as well as recommendations for the addition of several new substitute tests, including cut scores for pass/proficient and pass/advanced for each test.
- Recommended revisions to the list of approved substitute tests were presented in strikethrough version of the current list. Suggested amendments from the list presented for first review in November 2013 allow additional flexibility in awarding mathematics verified credits for successful completion of higher level Advanced Placement and International Baccalaureate exams. Consistent with the current policy for English, it is recommended that AP and IB mathematics courses may earn two verified credits.

The Board’s discussion included:

- Dr. Cannaday asked if the Department collects data on the number of students taking substitute tests and SOL tests. Mrs. Loving-Ryder indicated staff does not have the specific data but could provide estimates. Dr. Cannaday indicated the data may be helpful to school divisions who have concerns about students taking a substitute test.
- Mr. Braunlich asked about the process to revise the substitute test list. Mrs. Loving-Ryder said this is the first comprehensive review of the list since its inception. Mrs. Loving-Ryder noted the process began last spring with a review of all the tests to match the standards and technical quality. Committees of educators meet at the department in August, September, and October.
- Mr. Foster asked that the list of substitute tests for verified credit be disseminated not only to school divisions via Superintendent’s Memorandum but also to educator groups including the PTA and school boards.

Dr. Cannaday made a motion to approve the revisions to the list of substitute tests approved for verified credits to be effective beginning in the 2014-2015 school year. The motion was seconded by Mrs. Wodiska and carried unanimously.

The SOL substitute tests for verified credit are as follows:

The tests included in this list may be used to award verified credit for students and are included in the accreditation calculations for schools. Students who take substitute tests for verified credit should not be required to also take the corresponding Standards of Learning (SOL) test.

Recommended Changes to Cut Scores for Already Approved Substitute Tests

English Substitute Tests

Recommended Changes to the English Substitute Tests				
SOL Test	Substitute Test	Proficient	Advanced	Comments
English: End-of-Course (EOC) Writing	AP English Language and Composition+	2	3	
	International Baccalaureate® (IB) English Language A: Literature and Language (Higher Level)+	2	3	Name of test adjusted for accuracy. Committee recommends that this test count for a verified credit for both English: Reading and English: Writing.
	IB English Language A: Literature and Language (Standard Level)+	2	3	Name of test adjusted for accuracy. Committee recommends that this test count for a verified credit for both English: Reading and English: Writing.
	IB English Language A: Literature (Standard Level)+	2	3	Name of test adjusted for accuracy. Committee recommends that this test count for a verified credit for both English: Reading and English: Writing.
	IB English Language A: Literature (Higher Level)+	2	3	Name of test adjusted for accuracy. Committee recommends that this test count for a verified credit for both English: Reading and English: Writing.
	Test of English as a Foreign Language (TOEFL) Internet-based Test (iBT)+ Writing Subscore	56 17	83 24	Previously adopted cut scores were based on total scores which included reading, writing, listening and speaking. The committee recommends using the score from the writing subtest since this part of the test more closely matches the SOL Writing Test.
	Test of English as a Foreign Language (TOEFL) Paper-based Testing (PBT)+	483	557	No longer administered in the U.S. Removal from approved list recommended
	Advanced Placement International English Language (APIEL)	2	3	No longer administered. Removal from approved list recommended.
	Cambridge International Examinations: English Language General Certificate of Education (GCE) Advanced Subsidiary-(AS) Level	E	D	Name adjusted for accuracy.
	Cambridge International Examination: Cambridge International General Certificate of Secondary Education (IGCSE) First Language English	G D	D C	Recommendation to raise cut scores to match the requirements of the new more rigorous SOL. Generally the scores from the Cambridge tests range from G (lowest score) to A (highest score). Name adjusted for accuracy.
	Cambridge International Examinations: IGCSE English as a Second Language	D	E	Recommendation to remove this assessment since the content of the test no longer matches the more rigorous SOL.
	ACT: English/Writing Combined Score	22 16	30 22	The previously adopted cut score was based on the English score. ACT now has a Writing test. The combined score of the English and Writing subtests more closely matches the SOL Writing test.
	WorkKeys: Writing	3	4	Since ACT plans to discontinue this assessment, it was not reviewed against

Recommended Changes to the English Substitute Tests				
SOL Test	Substitute Test	Proficient	Advanced	Comments
				the new SOL. It is recommended that this test continue to serve as a substitute test for the EOC writing test based on the 2002 SOL only until it is discontinued by ACT.
	AP English Literature and Composition+	2	3	
	SAT I Writing	400	500	
English: EOC Reading	AP English Literature and Composition+	2	3	
	IB English Language A: Literature and Language (Higher Level)+	2	3	Name of test adjusted for accuracy. Committee recommends that this test count for a verified credit for both English: Reading and English: Writing.
	IB English Language A: Literature and Language (Standard Level)+	2	3	Name of test adjusted for accuracy. Committee recommends that this test count for a verified credit for both English: Reading and English: Writing.
	IB English Language A: Literature (Standard Level)+	2	3	Name of test adjusted for accuracy. Committee recommends that this test count for a verified credit for both English: Reading and English: Writing.
	IB English Language A: Literature (Higher Level)+	2	3	Name of test adjusted for accuracy. Committee recommends that this test count for a verified credit for both English: Reading and English: Writing.
	Test of English as a Foreign Language (TOEFL) Internet-based Test (iBT)+ Reading Subtest	56 16	83 21	Previously adopted cut scores were based on total scores which included reading, writing, listening and speaking. The committee recommends using the score from the reading subtest since this part of the test more closely matches the SOL Reading Test.
	Test of English as a Foreign Language (TOEFL) Paper-based Testing (PBT)+	483	557	No longer administered. Removal from approved list recommended.
	Cambridge International Examinations: Literature in English (IGCSE)	G E	D C	Recommendation to raise cut scores to match the requirements of the new more rigorous SOL.
	Cambridge International Examination: Literature in English GCE Advanced (A) Level	E	D	Name adjusted for accuracy.
	Cambridge International Examination: English Language GCE-Advanced Subsidiary (AS) Level	E	D	Name adjusted for accuracy.
	Cambridge International Examinations: IGCSE English as a Second Language	D	C	Recommendation to remove this assessment since the content of the test no longer matches the more rigorous SOL.
	ACT: Reading Subtest	25 17	34 22	ACT recommends a cut score of 21 or 22 as representing College & Career Readiness. Based on this information the committee recommends lowering the cut scores.

Recommended Changes to the English Substitute Tests				
SOL Test	Substitute Test	Proficient	Advanced	Comments
	AP English Language and Composition+	2	3	

+ Students may use this test to earn two English verified units of credit.

Mathematics Substitute Tests

Recommended Changes to Mathematics Substitute Tests				
SOL Test	Substitute Test	Proficient	Advanced	Comment
Algebra I	CLEP College Algebra	30	40	
	IB Math Studies++ (Standard Level)	≥ 3	≥ 4	Recommendation to raise cut scores to match the requirements of the new more rigorous SOL. <u>Recommend students may use this test to earn two mathematics verified credits.</u>
	IB Mathematics Methods (Standard Level)++	≥ 3	≥ 4	Recommendation to raise cut scores to match the requirements of the new more rigorous SOL. Name of test adjusted for accuracy. <u>Recommend students may use this test to earn two mathematics verified credits.</u>
	SAT II Math IC	400 500	500 570	Recommendation to raise cut scores to match the requirements of the new more rigorous SOL.
	SAT II Math IIC	400 590	500 660	Recommendation to raise cut scores to match the requirements of the new more rigorous SOL.
	AP Calculus ++	2	3	
	Cambridge International Examinations: Further Mathematics (AICE)	E	D	This is the same test as the Cambridge International Examinations: Further Mathematics (A Level). Recommend removal to eliminate duplication.
	Cambridge International Examinations: Mathematics (AICE) (A Level)	E	D	Adjusted name for accuracy.
	Cambridge International Examinations: Further Mathematics (A Level)	E	D	
	Cambridge International Examinations: IGCSE Additional Mathematics	≥ E	D	Recommendation to raise cut scores for proficient to match the requirements of the new more rigorous SOL. The recommendation for Advanced remains the same. Name of test adjusted for accuracy.
	Cambridge International Examinations: IGCSE Mathematics	≥ E	D	Recommendation to raise cut scores for proficient to match the requirements of the new more rigorous SOL. The recommendation for Advanced remains the same. Name of test adjusted for accuracy.
	ACT: Mathematics Subtest	18	26	

Recommended Changes to Mathematics Substitute Tests				
SOL Test	Substitute Test	Proficient	Advanced	Comment
	IB Mathematics (Higher Level)++	≥ 3	≥ 4	Recommendation to raise cut scores to match the requirements of the new more rigorous SOL. In addition recommend that the Higher Level may be used as a substitute to earn <i>two</i> mathematics verified credits.
	ACT PLAN: Mathematics Subtest	16	21	Recommendation is to remove this assessment since its content no longer matches the more rigorous SOL.
	TABE Algebra/Geometry Advanced-Test Level A	652	732	Recommendation is to remove this assessment since its content no longer matches the more rigorous SOL.
Algebra II	IB Math Studies++ (Standard Level)	≥ 3	≥ 4	Recommendation to raise cut scores to match the requirements of the new more rigorous SOL. <u>Recommend students may use this test to earn <i>two</i> mathematics verified credits.</u>
	IB Mathematics Methods (Standard Level)++	≥ 3	≥ 4	Recommendation to raise cut scores to match the requirements of the new more rigorous SOL. Name of test adjusted for accuracy. <u>Recommend students may use this test to earn <i>two</i> mathematics verified credits.</u>
	SAT II Math IC	400 500	500 570	Recommendation to raise cut scores to match the requirements of the new more rigorous SOL.
	SAT II Math IIC	400 590	500 660	Recommendation to raise cut scores to match the requirements of the new more rigorous SOL.
	AP Calculus ++	2	3	
	Cambridge International Examinations: Further Mathematics (AICE)	E	D	This is the same test as the Cambridge International Examinations: Further Mathematics (A Level). Recommend removal to avoid duplication.
	Cambridge International Examinations: Mathematics (AICE) (A Level)	E	D	Name of test adjusted for accuracy.
	Cambridge International Examinations: Further Mathematics (A Level)	E	D	
	Cambridge International Examinations: IGCSE Additional Mathematics	E	D	Name of test adjusted for accuracy.
	IB Mathematics (Higher Level)++	≥ 3	≥ 4	Recommendation to raise cut scores to match the requirements of the new more rigorous SOL. In addition recommend that the Higher Level may be used as a substitute to earn <i>two</i> mathematics verified credits. <u>Recommend students may use this test to earn <i>two</i> mathematics verified credits.</u>

Recommended Changes to Mathematics Substitute Tests				
SOL Test	Substitute Test	Proficient	Advanced	Comment
Geometry	Cambridge International Examinations: IGSCE Mathematics	E	C	Name of test adjusted for accuracy.
	ACT: Mathematics Subtest	18 20	25 27	Recommendation to raise cut scores to match the requirements of the new more rigorous SOL.
	IB Mathematics (Higher Level)++	≥ 3	≥ 4	Recommendation to raise cut scores to match the requirements of the new more rigorous SOL. Also recommendation that the Higher Level may be used as a substitute to earn <i>two</i> mathematics verified credits.
	IB Math Studies (Standard Level)++	≥ 3	≥ 4	Recommendation to raise cut scores to match the requirements of the new more rigorous SOL. <u>Recommend students may use this test to earn <i>two</i> mathematics verified credits.</u>
	IB Mathematics Methods (Standard Level)++	≥ 3	≥ 4	Recommendation to raise cut scores to match the requirements of the new more rigorous SOL. Name of test adjusted for accuracy. <u>Recommend students may use this test to earn <i>two</i> mathematics verified credits.</u>
	SAT II Math IC	400 500	500 570	Recommendation to raise cut scores to match the requirements of the new more rigorous SOL.
	SAT II Math IIC	400 590	500 660	Recommendation to raise cut scores to match the requirements of the new more rigorous SOL.
	AP Calculus++	2	3	

++ This test may be used as a substitute to earn *two* mathematics verified units of credit.

Science Substitute Tests

Recommended Changes to the Science Substitute Tests				
SOL Test	Substitute Test	Proficient	Advanced	Comments
Earth Science	Cambridge International Examinations: Environmental Science, GCE - AS Level	E	D	
	AP Environmental Science	2	3	
Biology	AP Biology	2	3	
	SAT II Biology Ecological OR Molecular	400 350	500 450	Based on the rigor of the content covered in the SAT II Biology test, the committee recommended lowering the cut scores. Adjustment to the test name is made for clarification.
	CLEP General Biology	30	40	
	IB Biology (Higher Level)	2	3	
	IB Biology (Standard Level)	2	3	
	Cambridge International Examinations: Biology, GCE -A Level	E	D	

	Cambridge International Examinations: Biology, GCE- AS Level	E	D	
Chemistry	AP Chemistry	2	3	
	SAT II Chemistry	400	500	
	CLEP General Chemistry	30 33	40 43	Recommendation to raise cut scores to match the requirements of the new more rigorous SOL.
	IB Chemistry (Higher Level)	2	3	
	IB Chemistry (Standard Level)	2	3	
	Cambridge International Examinations: Chemistry, GCE- A Level	E	D	
	Cambridge International Examinations: Chemistry, GCE - AS Level	E	D	

History and Social Science Substitute Tests

Recommended Changes to the History and Social Science Substitute Tests				
SOL Test	Substitute Test	Proficient	Advanced	Comments
US History	AP US History	2	3	
	CLEP History of US I and II (total score for both tests)	60	80	
	SAT II American History	400	500	
	IB US History (Higher Level)	2	3	
World History and Geography from 1500 AD	SAT II World History	400 450	500 530	Recommendation to raise cut scores to match the requirements of the new more rigorous SOL.
	AP World History	2	3	
	AP European History	2	3	
	IB History of Europe	2	3	
World History and Geography to 1500 AD	SAT II World History	400 450	500 530	Recommendation to raise cut scores to match the requirements of the new more rigorous SOL.
World Geography	AP Human Geography	2	3	
	Cambridge International Examinations: IGCSE Geography	E F	D	Recommendation to raise cut score for proficient to match the requirements of the new more rigorous SOL. Recommendation for Advanced remains the same.
	Cambridge International Examinations: GCE -AS Level	E	C	
	Cambridge International Examinations: GCE -A Level	E	D	
	IB Geography Test	2	3	

Additional Substitute Tests

Recommended Cut Scores for Additional Substitute Tests				
SOL Test	Substitute Test	Proficient	Advanced	Comments
EOC Writing	WorkKeys <i>Business Writing</i>	3	4	Because ACT plans to discontinue the WorkKeys <i>Writing</i> test, the WorkKeys <i>Business Writing</i> test was reviewed by the committee as a possible additional substitute test. The test meets or exceeds the content of the SOL covered by the EOC writing test.
EOC Algebra II	CLEP College Algebra	50	63	The committee recommended that this test should be added to the substitute tests for Algebra II since the content of the test meets or exceeds the Algebra II SOL. Note: the test already is on the substitute test list for Algebra I.
EOC Algebra I	Cambridge International Examinations: IGCSE Extended Mathematics	D	C	The committee recommended that this test should be added to the substitute tests for Algebra I since the test matches the SOL and for clarification for school divisions on the names of the Cambridge IGCSE mathematics tests.
EOC Geometry	Cambridge International Examinations: IGCSE Extended Mathematics	D	C	The committee recommended that this test should be added to the substitute tests for Geometry since the test matches the SOL and for clarification for school divisions on the names of the Cambridge IGCSE mathematics tests.
EOC Algebra I	SAT I Mathematics Subtest	440	520	This test is being added at the request of Chesterfield County Public Schools.
EOC Earth Science	IB Environmental Systems and Society (Standard Level)	2	3	This test is being added at the request of Prince William County Public Schools.
EOC World History and Geography to 1500	AP World History	2	3	This test is being added at the request of Fairfax County Public Schools. It is already on the approved list for World History from 1500 to the Present.

First Review of Request for Approval of an Innovative Program Opening Prior to Labor Day from Cumberland County Public Schools

Mrs. Anne Wescott, assistant superintendent for policy and communications, presented this item. Dr. Amy Griffin, superintendent, represented Cumberland County Public Schools.

Mrs. Westcott's presentation included the following:

- Section 22.1-79.1 of the *Code of Virginia* prohibits local school boards from adopting school calendars that require schools to open prior to Labor Day unless a waiver is granted by the Board for "good cause." The conditions under which the Board may grant such waivers are outlined in the *Code*. The provision that permits the Board to approve a waiver for an experimental or innovative program may be found in § 22.1-79.1 as follows:

§ 22.1-79.1. Opening of the school year; approvals for certain alternative schedules.

- A. Each local school board shall set the school calendar so that the first day students are required to attend school shall be after Labor Day. The Board of Education may waive this requirement based on a school board certifying that it meets one of the good cause requirements of subsection B.
- B. For purposes of this section, "good cause" means:
1. A school division has been closed an average of eight days per year during any five of the last 10 years because of severe weather conditions, energy shortages, power failures, or other emergency situations;
 2. A school division is providing, in the school year for which the waiver is sought, an instructional program or programs in one or more of its elementary or middle or high schools, excluding Virtual Virginia, which are dependent on and provided in one or more elementary or middle or high schools of another school division that qualifies for such waiver. However, any waiver granted by the Board of Education pursuant to this subdivision shall only apply to the opening date for those schools where such dependent programs are provided;
 3. A school division is providing its students, in the school year for which the waiver is sought, with an experimental or innovative program which requires an earlier opening date than that established in subsection A of this section and which has been approved by the Department of Education pursuant to the regulations of the Board of Education establishing standards for accrediting public schools. However, any waiver or extension of the school year granted by the Board of Education pursuant to this subdivision or its standards for accrediting public schools for such an experimental or innovative program shall only apply to the opening date for those schools where such experimental or innovative programs are offered generally to the student body of the school. For the purposes of this subdivision, experimental or innovative programs shall include instructional programs that are offered on a year-round basis by the school division in one or more of its elementary or middle or high schools; or
 4. A school division is entirely surrounded by a school division that has an opening date prior to Labor Day in the school year for which the waiver is sought. Such school division may open schools on the same opening date as the surrounding school division....

- For the 2013-2014 school year, 57 school divisions have a waiver for weather-related reasons; six have dependent programs; ten are entirely surrounded by a school division that has an opening date prior to Labor Day; three school divisions have one or more schools with waivers because they are year-round schools; and two school divisions have waivers for innovative or experimental programs that are not year-round schools. Cumberland County Public Schools (CuCPS) has had a weather-related waiver for many years.
- However, some of the school divisions that have a weather-related waiver, including Cumberland County, are in jeopardy of losing their waivers because Virginia hasn't had much snow or other severe weather conditions recently. The 2012 General Assembly added language to the Appropriation Act to maintain current waivers, and the 2013 General Assembly extended the waiver through the 2013-2014 school year. The Governor's 2014-2016 Budget Bill would extend the waiver for two additional years. Item 136.A.17 of HB 30 and SB 30 says:

To provide additional flexibility, notwithstanding the provisions of § 22.1-79.1 of the Code of Virginia, any school division that was granted a waiver regarding the opening date of the school year for the 2011-12 school year under the good cause requirements shall continue to be granted a waiver for the 2014-15 school year and the 2015-2016 school year.

- The Cumberland County School Board is requesting a pre-Labor Day waiver to implement an innovative program entitled CuCPS Project 21 for Cumberland High School, Cumberland Middle School, and Cumberland Elementary School. The program includes implementation of 21st Century learning skills, application of Project Based Learning in the classroom, and promotion of career readiness for all students. The program is designed so that the school division can work in collaboration with other Region VIII schools which have these goals, as well as with Longwood University.
- The waiver request indicates that starting before Labor Day would mirror the schedules of most Region VIII schools and of most colleges and universities (including Southside Virginia Community College

(SVCC), J. Sargeant Reynolds Community College, Liberty University, Longwood University, Norfolk State University, and Virginia State University. All of these colleges and universities start summer school in late May. Alignment of the calendars would facilitate participation in regional professional development activities, allow students to take summer college classes, increase the opportunities available to students, and enable teachers to take advantage of summer workshops and courses.

- All three Cumberland schools also take advantage of student teachers and practicum students from Longwood University, and the Longwood Partnership students actually hold classes at Cumberland Elementary School for half of the day. These student teacher cooperative and practicum experiences are facilitated by a schedule that aligns with Longwood's schedule.
- The school division also included in its request a discussion of professional development and dual enrollment and other programs at the high school level. The request noted that the school division is often unable to accommodate student teachers due to calendar misalignment, school division teachers are unable to attend professional development provided by colleges during the summer, and it is difficult to share regional professional development when many of the other school divisions have pre-Labor Day openings.

Elementary School (Cumberland Elementary School)

This school division is requesting a pre-Labor Day waiver to ensure the ability to collaborate with other school divisions in the region in professional development and sharing of resources. The school division participates in professional development through the Region VIII Educational Center and the Longwood Institute, which serves over 20 school divisions in Virginia. This program has three basic components: 1) the implementation of 21st Century learning skills, 2) the application of research-based learning strategies, such as Project Based Learning, in the classroom, and 3) the promotion of career readiness for all students. CuCPS notes that this initiative requires vertical alignment of the curriculum, which requires all schools have similar schedules for professional development collaborative time.

The elementary school also takes advantage of student teachers and practicum students from Longwood University, and the Longwood Partnership Program for teacher preparation. In this collaborative program, the Longwood University students attend class at Cumberland Elementary School in the morning and observe the CuCPS students and teachers in the classroom in the afternoon. The partnership program provides hands-on learning beginning on the first day of classes for both Longwood and CuCPS. For school year 2014-2015, Longwood University begins classes on August 25, and the day after Labor Day is September 2, the following week.

Middle School (Cumberland Middle School)

Cumberland Middle School also participates in the Longwood Partnership Program for teacher preparation, and its teachers also participate in the regional professional development.

High School (Cumberland High School)

Cumberland High School students participate in the Governor's School of Southside Virginia and the Superintendents' Region 8 Governor's Health Sciences Academy that will begin in 2014-2015. Section 22.1-26 (D) of the *Code of Virginia* says: "Joint or regional schools, such as academic year Governor's Schools, may set the school calendar so that the first day students are required to attend school shall comport with the calendar of any of the participating school divisions, including those granted a waiver, as prescribed in § 22.1-79.1. Such calendar must be approved by the governing board of the joint or regional school." As participating school divisions have pre-Labor Day waivers, for the 2013-2014 school year, the Governor's School of Southside Virginia began on August 15.

- In addition, CuCPS works closely with Southside Virginia Community College (SVCC) in offering dual enrollment courses to its students in ten different content areas, including courses offered at the high school, at Southside Virginia Community College's Governor's School, and at SVCC's Pre-Engineering Program. CuCPS reports it has 36 students enrolled in dual enrollment (DE) math courses, 63 students in DE science courses, 108 students in DE history courses, 52 in DE English courses, 98 students in DE Career and Technical courses, and 79 in other dual enrollment elective courses. Sixteen students attending

Governor's School at SVCC are expected to graduate from high school with associate degrees, upon successful completion of the program.

Dr. Griffin presented an overview of Cumberland County's request for an innovative program opening prior to Labor Day.

The Board's discussion included:

- Mrs. Sears asked how long the program has been in existence and if it will continue if the waiver is not approved. Dr. Griffin said the programs have been in existence for approximately ten years and they rely on Southside Virginia Community College (SVCC) to teach a majority of the dual enrollment courses, their partnership with the governor's school for pre-engineering, the health sciences academy, and students in the welding courses. Dr. Griffin said that the elementary school partnerships rely on trained individuals along with university students in the classroom for personalized small group instruction.
- Mrs. Wodiska asked Dr. Griffin to report back to the Board with answers to the following questions: How many school days is Cumberland County Public Schools asking for prior to Labor Day? Will there be economic distress on the community?
- Mrs. Edwards asked Dr. Griffin how Cumberland County Public Schools plans to involve parents and the community. Dr. Griffin said the Health Sciences Academy is a partnership of parents, community members, and professionals from all over the region. Dr. Griffin indicated she will respond in more detail when she reports back to the Board.
- Dr. Baysal asked if there has been a discussion with the local Chamber of Commerce as to how this may impact businesses, and how many students are employed by the hospitality industry. Dr. Griffin said that Cumberland County does not have a local Chamber of Commerce but she will check with Prince Edward County Chamber of Commerce. Dr. Baysal indicated his appreciation for the pre-engineering and health sciences initiatives.
- Mr. Braunlich asked Dr. Griffin to clarify how the dual enrollment courses are taught at the high school. Dr. Griffin said that the high school dual enrollment courses are taught by Cumberland County High School instructors, student teachers that require mentors from SVCC, and staff from SVCC.
- Mrs. Atkinson indicated her support for the program, but cautioned that the Board is limited to the provisions of the *Code of Virginia*. Mrs. Atkinson asked Dr. Griffin to be more specific in how the program will impact the students in Cumberland County. Dr. Griffin said she will include more data when she reports back to the Board.
- Dr. Cannaday said it is difficult for Board members to make a decision on the request because the program has been in existence for ten years; therefore, it is not new and innovative. Dr. Cannaday said the application needs to answer the question of why Cumberland County needs the waiver to continue the program.
- Mrs. Beamer said she agrees with comments made by her colleagues. Mrs. Beamer suggested Cumberland look at the effect on transportation, budget, etc. if the high school started at a different time than the elementary and middle schools.

- Mrs. Wodiska suggested involving the business community to articulate why this program is essential for academic achievement and economic opportunity.

The Board accepted for first review Cumberland County Public Schools' request for a waiver to open school prior to Labor Day.

First Review of Request for Approval of an Innovative Program Opening Prior to Labor Day from Mecklenburg County Public Schools

Mrs. Wescott also presented this item. Dr. James Thornton, superintendent, represented Mecklenburg County Public Schools. Mrs. Westcott's presentation included the following;

- Mecklenburg County Public Schools is basing its waiver request on five different programs designed to ensure that its students are successful academically, graduating on time, and developing the skills to be productive citizens in the 21st Century work force. The five programs are:
 - Project based learning (PBL), emphasizing 21st Century skills;
 - Career and character education;
 - Expanded dual enrollment, in conjunction with Southside Virginia Community College;
 - Residency program with Longwood University for teachers pursuing a master's degree in special education; and
 - Literacy camp with Longwood University for at-risk students.

Elementary Schools (Chase City, Clarksville, LaCrosse, and South Hill Elementary Schools) and Middle Schools (Bluestone and Park View Middle Schools)

This school division is implementing a program for Career and Character education in grades Pre-K-12. This program would partner with Longwood, Southside Virginia Community College (SVCC), and dual enrollment students. High school students would be required to complete a community service project in which they partner with an elementary or middle school classroom to provide support and mentoring in character and career education. This would be a structured, yearlong curriculum which the high school students would begin during the first week of school with their adopted classroom to assist with a series of activities that will focus on developing career readiness and character education. Because the high school students are enrolled in dual enrollment programs, the school divisions requests a waiver based on the needs of this program and the dual enrollment of the high school mentors. The school division also bases its waiver request on its relationship with SVCC, which opened August 21, 2013 for fall instruction and onsite visits to that campus.

The school division is partnering with Longwood University to provide a yearlong residency program for teachers who are pursuing a Master's Degree in Special Education. These teachers will be placed in the elementary and middle schools as additional support. The request indicated that successful implementation will require correlation of calendars.

The school division is also working with Longwood University to develop an on-campus literacy camp for at-risk students in grades 4-6. A waiver is requested to coordinate the school calendar so that the camp can be held in late May or early June to use the Longwood campus. The camp will focus on providing a solid foundation in literacy, career and college readiness, and exposure to cultural activities.

Project based learning began as a pilot program in 2012-2013 with the sixth grade and has expanded to all four middle and high schools, in grades 5, 6, 7, 9 and dual enrollment classes, based on parent and student interest. It is a student-centered approach that emphasizes technology, critical thinking, creativity, problem-solving, and collaborative learning. Mecklenburg County Public Schools is requesting a pre-Labor Day waiver in order to coordinate the professional development that is held during the summer with other school divisions in the region and with Longwood University.

High Schools (Bluestone and Park View High Schools)

The waiver request includes the following dual enrollment program options that will lead to either an Associate Degree or certification:

- Regional Governor's school;
- General studies with an option to transfer to a four-year college;
- Pre-engineering with an option to transfer to a four-year college;
- High performance manufacturing technology program with degree concentrations in electricity, air conditioning and heating, and industrial technology; and
- Certificates in computer and office basics, culinary arts, nurse's aide, and agribusiness.

As the school division participates in the regional Governor's school, § 22.1-26 (D) of the *Code of Virginia* would apply, which says: "Joint or regional schools, such as academic year Governor's Schools, may set the school calendar so that the first day students are required to attend school shall comport with the calendar of any of the participating school divisions, including those granted a waiver, as prescribed in § 22.1-79.1. Such calendar must be approved by the governing board of the joint or regional school."

- In addition, the school division indicated that the dual enrollment programs require that the students operate on the SVCC calendar. Currently, there are 382 students at Bluestone High School and 446 students at Park View High School enrolled in a dual enrollment class through SVCC. This represents 60 percent of the students at Bluestone High School and 57 percent of the students at Park View High School.

Dr. Thornton presented an overview of Mecklenburg County Public Schools' request for approval of an innovative program opening prior to Labor Day.

The Board's discussion included:

- Mrs. Wodiska asked Dr. Thornton to reflect on how the closing of three major industries has affected the economy in Mecklenburg County. Dr. Thornton said that due to the closures of three major industries and the Mecklenburg Correctional Center, approximately 4,000 jobs were lost.
- Mrs. Wodiska asked Dr. Thornton the following questions: Why is it critical for students to have access to postsecondary education early in their career as well as to be career ready? What economic opportunities will this afford the students? What other choices would students have without the innovative program? Dr. Thornton said Mecklenburg County Public Schools' goal is to expose students to varying career opportunities and to the relevance of postsecondary education.
- Dr. Baysal emphasized the connectivity between higher education and k-12.
- Mrs. Sears said the General Assembly has defined what they consider to be an innovative program with three criterion—creative, original, and new ideas or methods. Mrs. Sears asked the application to describe how the program is creative, how it is original, and how it is a new idea or method when presented at the next meeting.

The Board accepted for first review Mecklenburg County Public Schools' request for a waiver to open school prior to Labor Day.

First Review of Request for Approval of an Innovative Program Opening Prior to Labor Day from Nottoway County Public Schools

Mrs. Wescott also presented this item. Dr. Daniel Grounard, superintendent, represented Nottoway County Public Schools. Mrs. Westcott's presentation included the following:

- Nottoway County Public Schools is committed to increasing the number of students who graduate from high school and pursue postsecondary education. Approximately 37 percent of the county's adults over age 25 do not have high school diplomas, and only 8 percent of those persons over age 25 have a baccalaureate degree or higher. To achieve this goal, Nottoway County Public Schools proposes an innovative program titled PACE, Partnerships to Achieve Continuing Education. At each grade level (PK-12), activities have been planned to expose all students to higher education and career options. These activities will be documented on a student record card placed in each student's scholastic record. This record will be used in career planning discussions, and incorporated into instructional activities with the students, individually and in groups.
- The school division plans to use project-based learning so that students will develop interests in different career opportunities as they work on real-life problem-solving situations. The program will focus on STEM (science, technology, engineering and mathematics) as well as 21st Century skills to prepare students for college and career opportunities.

Elementary Schools (Burkeville Elementary School, Crewe Primary School, and Blackstone Primary School) and Nottoway Middle School

In its waiver request, Nottoway County Public Schools (NCPS) notes that two of its elementary schools, Crewe Primary School and Burkeville Elementary School, participate in the Longwood Partnership Program for teacher preparation. In this collaborative program, the Longwood University students attend class at Crewe Primary School in the morning and observe the NCPS students and teachers in the classroom in the afternoon. The partnership program provides hands-on learning beginning on the first day of classes for both Longwood and NCPS. NCPS plans to expand this program to Blackstone Primary School and Nottoway Intermediate School, as the program is found to be beneficial to both the Longwood students and the NCPS students. For school year 2014-2015, Longwood University begins classes on August 25, and the day after Labor Day is September 2, the following week.

Nottoway Intermediate School

Nottoway Middle School students are involved in the Drop-Out Prevention/College Readiness program with support from Virginia State University and Longwood University. Students from these universities will participate in the Orientation to Middle School (grades 7-8) program on the first day of school. Their participation would be a panel discussion program focusing on staying in school, entering a college program, and possible career opportunities that they are seeking with a college degree. The program is held on the first day of middle school so that the college students can participate in the orientation program without missing any of their own classes. For school year 2014-2015, Longwood begins school on August 25, with freshmen arriving on campus on August 21. Virginia State University students begin classes on August 22, with freshmen arriving on August 17. NCPS notes that scheduling this program would be a challenge once the college students begin their classes.

In addition, NCPS makes arrangements for students from Nottoway Intermediate School and Nottoway Middle School students to visit nearby colleges in August, and a pre-Labor Day opening of school facilitates those visits.

High School (Nottoway High School)

Nottoway High School students participate in the Governor's School of Southside Virginia and the Superintendents' Region 8 Governor's Health Sciences Academy. Section 22.1-26 (D) of the *Code of Virginia* says: "Joint or regional schools, such as academic year Governor's Schools, may set the school calendar so that the first day students are required to attend school shall comport with the calendar of any of the participating school divisions, including those granted a waiver, as prescribed in § 22.1-79.1. Such calendar must be approved by the governing board of the joint or regional school." As participating school divisions have pre-Labor Day waivers, for the 2013-

2014 school year, the Governor's School of Southside Virginia began on August 15.

In addition, NCPS works closely with Southside Virginia Community College (SVCC) in offering 15 dual enrollment courses offered at the Nottoway High School Campus. NCPS says that Nottoway High School relies on certain SVCC instructors to provide dual enrollment services for students, especially for those courses for which NCPS does not have qualified teachers.

Dr. Grounard presented an overview of Nottoway County Public Schools' request for an innovative program opening prior to Labor Day.

The Board's discussion included:

- Mrs. Wodiska emphasized the need to make the right choices for children and put them first. She expressed concerns regarding the comments of the hospitality and tourism organizations, and reiterated that many school programs provide help to families in poverty. She again called for the tourism and hospitality industry to partner with public educators throughout the Commonwealth, and to consider educational access for families in poverty.
- Mr. Foster noted that the business community is among the Board's partners in public education, as witnessed by the many STEM academies made possible by strong businesses support.
- Mr. Braunlich asked the applicant to demonstrate what the communities looked like before the pre-Labor Day opening, what they look like afterwards in terms of educational outcomes for children.
- Mrs. Sears said she doesn't believe the hospitality organization comments were in opposition to helping families in poverty. Mrs. Sears said that businesses are very much involved in education because they know today's students will become future employees or business owners themselves. Mrs. Sears acknowledged the work the business community does to support public education.
- Dr. Baysal asked about the changes in weather over the years and why the division now needed a waiver. Mrs. Wescott said for many years school divisions, including these three, have met the weather related waiver requirement. Mrs. Wescott said they missed eight or more days in the past ten years. Mrs. Wescott said recently there has not been that many snow days and that has been the issue.

The Board accepted for first review Nottoway County Public Schools' request for a waiver to open school prior to Labor Day.

First Review of Recommendation of the Advisory Board on Teacher Education and Licensure (ABTEL) for a Passing Score for the Praxis II Family and Consumer Sciences Test (5122)

Mrs. Patty Pitts, assistant superintendent for teacher education and licensure, presented this item. Mrs. Pitts introduced Mr. Peter Yeager, representing Education Testing Systems. Mrs. Pitts' presentation included the following:

- Section 22.1-298.1. Regulations governing licensure of the *Code of Virginia* requires that the Board of Education's regulations "shall include requirements that a person seeking initial licensure: 1. Complete professional assessments as prescribed by the Board of Education;"

- Currently, the Virginia Board of Education requires the following licensure assessments:
 - ✓ Virginia Communication and Literacy Assessment (VCLA)
 - ✓ Praxis II: Specialty Area Tests
 - ✓ Reading for Virginia Educators (RVE)
 - ✓ School Leaders Licensure Assessment (SLLA)
- The Board of Education prescribes the Praxis II (subject area content) examinations as a professional teacher's assessment requirement for initial licensure in Virginia. The Praxis II assessment currently required for individuals seeking an initial license with an endorsement in Career and Technical Education – Family and Consumer Sciences is the Family and Consumer Sciences (0121/5121) test. A Praxis II test for this endorsement, formerly referred to as Home Economics, has been required in Virginia since July 1, 1999.
- The Educational Testing Service (ETS) that administers the Praxis II has developed the revised Family and Consumer Sciences (5122) test. The purpose of the test is to assess whether the entry-level family and consumer sciences teacher has the content knowledge and skills believed necessary for competent practice. Test preparation resources and materials, including study guides and practice tests, are available on the [ETS Test Preparation Web site](#).
- A multistate standard setting study was conducted by ETS in September 2013 for the Praxis II Family and Consumer Sciences (5122) test. Participants from 20 states served on the multistate study panel. Virginia was represented by two Virginia educators who were nominated by Virginia educational agencies. The purposes of the study were to (a) recommend the minimum passing score for the Praxis II Family and Consumer Sciences (5122) and (b) confirm the importance of the Praxis content specifications for entry-level family and consumer sciences teachers. To pass the Praxis II Family and Consumer Sciences (5122) test, a candidate must meet or exceed the passing score established by the Virginia Board of Education.
- The *Praxis Test at a Glance* document (Appendix B) describes the purpose and structure of the assessment. In brief, the purpose of the test is to assess whether the entry-level family and consumer sciences teacher has the content knowledge and skills believed necessary for competent practice. A National Advisory Committee of Family and Consumer Sciences teachers and college faculty defined the content of the assessment, and a national survey of teachers and college faculty confirmed the content.
- The Family and Consumer Sciences (5122) test contains 120 selected-response items covering six content areas: Food and Nutrition (approximately 26 items), Housing and Interior Design (approximately 14 items), Textiles, Fashion, and Apparel (approximately 14 items), Human Development and Interpersonal Relationships (approximately 24 items), Foundations of Family and Consumer Sciences Education (approximately 20 items), and Resource Management (approximately 22 items). The reporting scale for the Praxis II Family and Consumer Sciences (5122) test ranges from 100 to 200 scaled-score points.

Multistate Standard Setting Study

The multistate standard setting study is detailed in Appendix A. The multistate panels recommended a passing score of 67 out of a possible 110 raw-score points. The scaled score associated with a raw score of 67 is 153 on a 100 to 200 scale.

The multistate standard study provides the estimated conditional standard error of measurement (CSEM). The CSEM is a statistical phenomenon and is unrelated to the accuracy of scoring. All test results are subject to the standard error of measurement. If a test taker were to take the same test repeatedly, with no change in his level of knowledge and preparation, it is possible that some of the resulting scores would be slightly higher or slightly lower than the scores that precisely reflect the test taker's actual level of knowledge or ability. The difference between a test taker's actual score and his highest or lowest hypothetical score is known as the standard error of measurement.

The CSEM for the recommended passing scores for multistate standard setting study are shown below. Note that consistent with the recommended passing score, the passing scores at the different CSEMs have been rounded to the next highest number and the rounded values are converted to scaled scores.

Conditional Standard Error of Measurement Summaries
Family and Consumer Sciences (5122)

Passing Scores within 1 and 2 CSEMs of the Recommended Passing Score – Multistate Panel

Recommended passing score (CSEM)	Scale score equivalent
67 (5.14)	153
- 2 CSEMs	140
- 1 CSEM	146
+1 CSEM	160
+2 CSEMs	166

- At the November 18, 2013, meeting of the Advisory Board on Teacher Education and Licensure the Advisory Board recommended that the Virginia Board of Education approve a pass score of 153 (67 raw-score points) recommended by the multistate standard setting panel for the Praxis II Family and Consumer Sciences (5122) test with an implementation date of July 1, 2015.

The Board accepted for first review the Advisory Board of Teacher Education and Licensure’s recommendation that the Board approve a pass score of 153 (67 raw-score points) for the Praxis II Family and Consumer Sciences (5122) test with an implementation date of July 1, 2015.

First Review of Proposed Revisions to the Procedure for Adjusting Grievances (8 VAC 20-90-10 et seq.) (Proposed Stage)

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

- The 2013 Virginia General Assembly approved House Bill [2151](#) and Senate Bill [1223](#) to amend and re-enact §§ [2.2-507](#), [22.1-79](#), [22.1-253.13:5](#), [22.1-293](#), [22.1-294](#), [22.1-295](#), [22.1-298.1](#), [22.1-299](#), [22.1-302](#), [22.1-303](#), [22.1-304](#), [22.1-305](#), [22.1-305.1](#), [22.1-306](#), [22.1-307](#), [22.1-309](#), [22.1-311](#), [22.1-313](#), and [22.1-314](#) of the *Code of Virginia* and to repeal §§ [22.1-299.3](#), [22.1-310](#), and [22.1-312](#) of the *Code of Virginia*. Senate Bill [2151](#) bill is identical to [1223](#).

§ [2.2-507](#). Legal service in civil matters.

A. All legal service in civil matters for the Commonwealth, the Governor, and every state department, institution, division, commission, board, bureau, agency, entity, official, court, or judge, including the conduct of all civil litigation in which any of them are interested, shall be rendered and performed by the Attorney General, except as provided in this chapter and except for any litigation concerning a justice or judge initiated by the Judicial Inquiry and Review Commission. No regular counsel shall be employed for or by the Governor or any state department, institution, division, commission, board, bureau, agency, entity, or official. The Attorney General may represent personally or through one or more of his assistants any number of state departments, institutions, divisions, commissions, boards, bureaus, agencies, entities, officials, courts, or judges that are parties to the same transaction or that are parties in the same civil or administrative proceeding and may represent multiple interests within the same department, institution, division, commission, board, bureau, agency, or entity. The soil and water conservation district directors or districts may request legal advice from local, public, or private sources; however, upon request of the soil and water conservation district directors or districts, the Attorney General shall provide legal service in civil matters for such district directors or districts.

B. The Attorney General may represent personally or through one of his assistants any of the following persons who are made defendant in any civil action for damages arising out of any matter connected with their official duties:

1. Members, agents or employees of the Alcoholic Beverage Control Board;
2. Agents inspecting or investigators appointed by the State Corporation Commission;
3. Agents, investigators, or auditors employed by the Department of Taxation;
4. Members, agents or employees of the State Board of Behavioral Health and Developmental Services, the Department of Behavioral Health and Developmental Services, the State Board of Health, the State Department of Health, the Department of General Services, the State Board of Social Services, the Department of Social Services, the State Board of Corrections, the Department of Corrections, the State Board of Juvenile Justice, the Department of Juvenile Justice, the Virginia Parole Board, or the Department of Agriculture and Consumer Services;
5. Persons employed by the Commonwealth Transportation Board;
6. Persons employed by the Commissioner of Motor Vehicles;
7. Persons appointed by the Commissioner of Marine Resources;
8. Police officers appointed by the Superintendent of State Police;
9. Conservation police officers appointed by the Department of Game and Inland Fisheries;
10. ~~Third impartial panel members~~ *Hearing officers* appointed to hear a teacher's grievance pursuant to § [22.1-312](#) ~~22.1-311~~;
11. Staff members or volunteers participating in a court-appointed special advocate program pursuant to Article 5 (§ [9.1-151](#) et seq.) of Chapter 1 of Title 9.1;
12. Any emergency medical service agency that is a licensee of the Department of Health in any civil matter and any guardian ad litem appointed by a court in a civil matter brought against him for alleged errors or omissions in the discharge of his court-appointed duties;
13. Conservation officers of the Department of Conservation and Recreation; or
14. A person appointed by written order of a circuit court judge to run an existing corporation or company as the judge's representative, when that person is acting in execution of a lawful order of the court and the order specifically refers to this section and appoints such person to serve as an agent of the Commonwealth.

Upon request of the affected individual, the Attorney General may represent personally or through one of his assistants any basic or advanced emergency medical care attendant or technician possessing a valid certificate issued by authority of the State Board of Health in any civil matter in which a defense of immunity from liability is raised pursuant to § [8.01-225](#).

C. If, in the opinion of the Attorney General, it is impracticable or uneconomical for such legal service to be rendered by him or one of his assistants, he may employ special counsel for this purpose, whose compensation shall be fixed by the Attorney General. The compensation for such special counsel shall be paid out of the funds appropriated for the administration of the board, commission, division or department being represented or whose members, officers, inspectors, investigators, or other employees are being represented pursuant to this section.

Notwithstanding any provision of this section to the contrary, the Supreme Court may employ its own counsel in any matter arising out of its official duties in which it, or any justice, is a party.

§ [22.1-79](#). Powers and duties.

A school board shall:

1. See that the school laws are properly explained, enforced and observed;
2. Secure, by visitation or otherwise, as full information as possible about the conduct of the public schools in the school division and take care that they are conducted according to law and with the utmost efficiency;
3. Care for, manage and control the property of the school division and provide for the erecting, furnishing, equipping, and noninstructional operating of necessary school buildings and appurtenances and the maintenance thereof by purchase, lease, or other contracts;
4. Provide for the consolidation of schools or redistricting of school boundaries or adopt pupil assignment plans whenever such procedure will contribute to the efficiency of the school division;
5. Insofar as not inconsistent with state statutes and regulations of the Board of Education, operate and maintain the public schools in the school division and determine the length of the school term, the studies to be pursued, the methods of teaching and the government to be employed in the schools;
6. In instances in which no grievance procedure has been adopted prior to January 1, 1991, establish and administer by July 1, 1992, a grievance procedure for all school board employees, except the division superintendent and those employees covered under the provisions of Article 2 (§ [22.1-293](#) et seq.) and Article 3 (§ [22.1-306](#) et seq.) of Chapter 15 of this title, who have completed such probationary period as may be required by the school board, not to exceed 18 months. The grievance procedure shall afford a timely and fair method of the resolution of disputes arising between the school board and such employees regarding dismissal or other disciplinary actions, excluding suspensions, and shall be consistent with the provisions of the Board of Education's procedures for adjusting grievances, ~~except that there shall be no right to a hearing before a fact-finding panel.~~ Except in the case of dismissal, suspension, or other disciplinary action, the grievance procedure prescribed by the Board of Education pursuant to § [22.1-308](#) shall apply to all full-time employees of a school board, except supervisory employees;
7. Perform such other duties as shall be prescribed by the Board of Education or as are imposed by law;
8. Obtain public comment through a public hearing not less than 10 days after reasonable notice to the public in a newspaper of general circulation in the school division prior to providing (i) for the consolidation of schools; (ii) the transfer from the public school system of the administration of all instructional services for any public school classroom or all noninstructional services in the school division pursuant to a contract with any private entity or organization; or (iii) in school divisions having 15,000 pupils or more in average daily membership, for redistricting of school boundaries or adopting any pupil assignment plan affecting the assignment of 15 percent or more of the pupils in average daily membership in the affected school. Such public hearing may be held at the same time and place as the meeting of the school board at which the proposed action is taken if the public hearing is held before the action is taken. If a public hearing has been held prior to the effective date of this provision on a proposed consolidation, redistricting or pupil assignment plan which is to be implemented after the effective date of this provision, an additional public hearing shall not be required;

9. (Expires July 1, 2015) At least annually, survey the school division to identify critical shortages of teachers and administrative personnel by subject matter, and report such critical shortages to the Superintendent of Public Instruction and to the Virginia Retirement System; however, the school board may request the division superintendent to conduct such survey and submit such report to the school board, the Superintendent, and the Virginia Retirement System; and

10. Ensure that the public schools within the school division are registered with the Department of State Police to receive from the State Police electronic notice of the registration or reregistration of any sex offender within that school division pursuant to § [9.1-914](#).

§ [22.1-305](#). Nonrenewal of contract of probationary teacher.

A. Before a division superintendent recommends to the school board nonrenewal of the contract of a teacher who has not achieved continuing contract status, the division superintendent shall consider, among other things, the performance evaluations for such teacher required by § [22.1-303](#) and shall notify the teacher of the proposed recommendation. Upon written request of the teacher within five working days after receipt of such notice, the division superintendent or his designee shall orally provide the specific reasons, if any, for such recommendation, along with supporting documentation, including such performance evaluations, to the teacher and, if requested by the teacher, to his or her representative. Within ~~ten~~ 10 days after receiving such reasons, the teacher may request, by notification in writing to the division superintendent, a conference before the division superintendent. Upon such request, the division superintendent shall set a date for the conference, which shall be within ~~thirty~~ 30 days of the request, and shall give the teacher at least ~~fifteen~~ 15 days' notice of the time and place of the conference.

B. The conference shall be before the division superintendent or his designee. No such designee shall have recommended to the division superintendent the nonrenewal of the teacher's contract. The teacher and the person or persons who recommended the nonrenewal of the teacher's contract to the division superintendent, or a representative of either or both, shall be allowed to participate in the conference, but no such representative shall be an attorney.

C. If the conference is before a designee of the division superintendent, the designee shall communicate his recommendations to the division superintendent and to the teacher.

D. The division superintendent shall notify the teacher, in writing, of his intention with respect to the recommendation within ~~ten~~ 10 days after the conference.

E. In any case in which a teacher requests ~~a conference~~ *reasons for the recommendation* as provided in this section, written notice of nonrenewal of the contract by the school board must be given *either within 10 days after the time for requesting a conference has expired and the teacher has not made a timely request for a conference or, if a conference is requested, within thirty* 30 days after the division superintendent notifies the teacher of his intention with respect to the recommendation and the provisions of § [22.1-304](#) requiring such notice on or before ~~April~~ June 15 shall not be applicable.

F. The conference shall be confidential and no written or oral communication of such conference shall be made to anyone other than the school board, in executive session, and employees of the school division having an interest therein; however, both the teacher and the division superintendent, upon request, may provide the reasons for the nonrenewal to a potential employer of the teacher.

G. The provisions of this section shall be inapplicable when a decrease in enrollment or the abolition of a particular subject or reduction in the number of classes offered in a particular subject causes a reduction in the number of teachers; however, a statement to that effect shall be placed in the personnel file of each teacher whose contract is nonrenewed for any such reason.

H. The intent of this section is to provide an opportunity for a probationary teacher to discuss the reasons for nonrenewal with the division superintendent or his designee, and the provisions of this section are meant to be procedural only. Nothing contained herein shall be taken to require cause, as defined in § [22.1-307](#), for the nonrenewal of the contract of a teacher who has not achieved continuing contract status nor shall the failure of the school board or the division superintendent to comply with any time requirement herein constitute a basis for continued employment of the teacher.

§ [22.1-306](#). Definitions.

As used in this article:

"Business day" means any day that the relevant school board office is open.

"Day" means calendar days unless a different meaning is clearly expressed in this article. Whenever the last day for performing an act required by this article falls on a Saturday, Sunday, or legal holiday, the act may be performed on the next day that is not a Saturday, Sunday, or legal holiday.

"Dismissal" means the dismissal of any teacher during the term of such teacher's contract.

"Grievance" means a complaint or dispute by a teacher relating to his ~~or her~~ employment, including, but not necessarily limited to: (i) disciplinary action including dismissal ~~or placing on probation~~; (ii) the application or interpretation of: (a) personnel policies, (b) procedures, (c) rules and regulations, (d) ordinances, and (e) statutes; (iii) acts of reprisal against a teacher for filing or processing a grievance, participating as a witness in any step, meeting or hearing relating to a grievance, or serving as a member of a fact-finding panel; and (iv) complaints of discrimination on the basis of race, color, creed, political affiliation, handicap, age, national origin, or sex. Each school board shall have the exclusive right to manage the affairs and operations of the school division. Accordingly, the term "grievance" shall not include a complaint or dispute by a teacher relating to ~~(i)~~ (1) establishment and revision of wages or salaries, position classifications or general benefits, ~~(ii)~~ (2) suspension of a teacher or nonrenewal of the contract of a teacher who has not achieved continuing contract status, ~~(iii)~~ (3) the establishment or contents of ordinances, statutes or personnel policies, procedures, rules and regulations, ~~(iv)~~ (4) failure to promote, ~~(v)~~ (5) discharge, layoff, or suspension from duties because of decrease in enrollment, decrease in enrollment or abolition of a particular subject or insufficient funding, ~~(vi)~~ (6) hiring, transfer, assignment, and retention of teachers within the school division, ~~(vii)~~ (7) suspension from duties in emergencies, ~~or (viii)~~ (8) the methods, means, and personnel by which the school division's operations are to be carried on, or (9) coaching or extracurricular activity sponsorship.

While these management rights are reserved to the school board, failure to apply, where applicable, the rules, regulations, policies, or procedures as written or established by the school board is grievable.

~~"Dismissal" means the dismissal of any teacher during the term of such teacher's contract and the nonrenewal of the contract of a teacher on continuing contract.~~

§ [22.1-307](#). Dismissal of teacher; grounds.

A. Teachers may be dismissed or placed on probation for incompetency, immorality, noncompliance with school laws and regulations, disability as shown by competent medical evidence when in compliance with federal law, conviction of a felony or a crime of moral turpitude, or other good and just cause. A teacher shall be dismissed if such teacher is or becomes the subject of a founded complaint of child abuse and neglect, pursuant to § [63.2-1505](#), and after all rights to an appeal provided by § [63.2-1526](#) have been exhausted. The fact of such finding, after all rights to an appeal provided by § [63.2-1526](#) have been exhausted, shall be grounds for the local school division to recommend that the Board of Education revoke such person's license to teach. No teacher shall be dismissed or placed on probation solely on the basis of the teacher's refusal to submit to a polygraph examination requested by the school board.

B. For the purposes of this article, "incompetency" may be construed to include, but shall not be limited to, consistent failure to meet the endorsement requirements for the position or performance that is documented through evaluation to be consistently less than satisfactory *one or more unsatisfactory performance evaluations*.

§ [22.1-309](#). Notice to teacher of recommendation of dismissal; school board not to consider merits during notice; superintendent required to provide reasons for recommendation upon request.

In the event a division superintendent determines to recommend dismissal of any teacher or the placing on probation of a teacher on continuing contract, written notice shall be sent to the teacher notifying him of the proposed dismissal or placing on probation and informing him that within ~~fifteen~~ *five business* days after receiving the notice the teacher may request a hearing before the school board *or, at the option of the local school board, a hearing officer appointed by the school board* as provided in § [22.1-311](#) or before a fact finding panel as provided in § [22.1-312](#). During such ~~fifteen day~~ *five business day* period and thereafter until a hearing is held in accordance with the provisions ~~herein~~ *of this section*, if one is requested by the teacher, the merits of the recommendation of the division superintendent shall not be considered, discussed or acted upon by the school board except as provided for ~~herein~~ *in this section*. At the request of the teacher, the division superintendent shall provide the reasons for the recommendation in writing or, if the teacher prefers, in a personal interview. In the event a teacher requests a hearing pursuant to § [22.1-311](#) or § [22.1-312](#), the division superintendent shall provide, within ~~ten~~ *10* days of the request, the teacher or his representative with the opportunity to inspect and copy his personnel file and all other documents relied upon in reaching the decision to recommend dismissal or probation. Within ~~ten~~ *10* days of the request of the division superintendent, the teacher or his representative shall provide the division superintendent with the opportunity to inspect and copy the documents to be offered in rebuttal to the decision to recommend dismissal or probation. The division superintendent and the teacher or his representative shall be under a continuing duty to disclose and produce any additional documents identified later which may be used in the respective parties' cases-in-chief. The cost of copying such documents shall be paid by the requesting party.

For the purposes of this section, "personnel file" ~~shall mean~~ *means* any and all memoranda, entries, or other documents included in the teacher's file as maintained in the central school administration office or in any file on the teacher maintained within a school in which the teacher serves.

§ [22.1-311](#). Hearing before school board or hearing officer.

A. *Upon a timely request for a hearing pursuant to § [22.1-309](#), the school board or, at the option of the school board, a hearing officer appointed by the school board shall set a hearing within 15 days of the request and the teacher shall be given at least five days' written notice of the time and the place. The hearing before the school board, which shall be private unless the teacher requests a public one, must be set within 30 days of the request, and the teacher must be given at least 15 days' written notice of the time and place the hearing to be public.* At the hearing the teacher may appear with or without a representative and be heard, presenting testimony of witnesses and

other evidence. The school board may hear a recommendation for dismissal and make a determination whether to make a recommendation to the Board of Education regarding the teacher's license at the same hearing or hold a separate hearing for each action.

B. Each school board may appoint an impartial hearing officer from outside the school division to conduct hearings pursuant to this section. A hearing officer shall not have been involved in the recommendation of dismissal as a witness or a representative. A hearing officer shall possess some knowledge and expertise in public education and education law and be capable of presiding over an administrative hearing. The hearing officer shall schedule and preside over such hearings and shall create a record or recording of such proceedings. The hearing officer shall make a written recommendation to the school board, a copy of which shall be provided to the teacher. The hearing officer shall transmit the recommendation and the record or recording of the hearing to the school board as soon as practicable and no more than 10 business days after the hearing. In the event of a hearing before a hearing officer, the school board may make its decision upon the record or recording of such hearing, pursuant to § [22.1-313](#), or the school board may elect to conduct a further hearing to receive additional evidence by giving written notice of the time and place to the teacher and the division superintendent within 10 business days after the board receives the record or recording of the initial hearing. Such notice shall also specify each matter to be inquired into by the school board.

C. A record or recording of any hearing conducted pursuant to this section shall be made. The parties shall share the cost of the recording equally. In proceedings concerning grievances not related to dismissal, the recording may be dispensed with entirely by mutual consent of the parties. In such proceedings, if the recording is not dispensed with, the two parties shall share the cost of the recording equally; if either party requests a transcript, that party shall bear the expense of its preparation. In cases of dismissal, the record or recording shall be preserved for a period of six months. If the school board requests that a transcript be made at any time prior to expiration of the six-month period, it shall be made and copies shall be furnished to both parties. The school board shall bear the cost of the transcription.

D. Witnesses who are employees of the school board shall be granted release time if the hearing is held during the school day. The hearing shall be held at the school in which most witnesses work, if feasible.

§ [22.1-313](#). Decision of school board; generally.

A. The school board shall retain its exclusive final authority over matters concerning employment and supervision of its personnel, including dismissals, *and suspensions and placing on probation.*

B. In the case of a hearing before the school board, the school board shall give the teacher its written decision ~~within as soon as practicable and no more than 30 days after the hearing. A record of the proceedings shall be taken and made available as provided in subsection I of § [22.1-312](#).~~ Witnesses who are employees of the school board shall be granted release time if the hearing is held during the school day. The hearing shall be held at the school in which most witnesses work, if feasible.

C. In the case of a hearing before a ~~fact-finding panel~~ hearing officer appointed by the school board, the school board shall give the teacher its written decision ~~within~~ as soon as practicable and no more than 30 days after ~~the school board receives both the transcript of such hearing, if any, and the panel's findings of fact and recommendations~~ receiving the record or recording of the hearing; however, should there be a further hearing before the school board, ~~as hereafter provided,~~ such decision shall be furnished the teacher ~~within~~ as soon as practicable and no more than 30 days after such further hearing. ~~The decision of the school board shall be reached~~

~~after considering the transcript, if any, and the findings of fact and recommendations of the panel and such further evidence as the school board may receive at any further hearing.~~

~~§ D. A teacher may be dismissed, or suspended or placed on probation by a majority of a quorum of the school board. In the event the school board's decision is at variance with the recommendations of the fact finding panel, the school board shall be required to conduct an additional hearing which shall be public unless the teacher requests a private one. However, if the fact finding hearing was held in private, the additional hearing shall be held in private. The hearing shall be conducted by the school board pursuant to subsection D of this section, except that the grievant and the division superintendent shall be allowed to appear, to be represented, and to give testimony. However, the additional hearing shall not include examination and cross-examination of any other witnesses. The school board's written decision shall include the rationale for the decision.~~

~~D. In any case in which a further hearing by a school board is held after a hearing before a fact finding panel, the school board shall consider at such further hearing the transcript, if any, the findings and recommendations of the fact finding panel and such further evidence, including that of witnesses having testified before the panel, as the school board deems appropriate or as may be offered on behalf of the grievant or the respondent. A school board may initiate any such hearing upon written notice to the teacher and the division superintendent within 10 business days after the board receives the findings of fact and recommendations of the panel and any transcript of any panel hearing. Such notice shall specify each matter to be inquired into by the school board. In any case in which a teacher may initiate any such hearing, the teacher shall request such hearing in writing within 10 business days after receiving the findings of fact and recommendations of the panel and any transcript of the panel hearing. Any decision by the school board shall be based solely on the transcript, if any, the findings of fact and recommendations of the panel, and any evidence relevant to the issues of the original grievance adduced at the hearing in the presence of each party. Such hearing shall be conducted as a hearing by the school board as provided in § [22.1-311](#).~~

E. The school board's attorney, assistants, or representative, if he or they represented a participant in the prior proceedings, the grievant, the grievant's attorney or representative, and, notwithstanding the provisions of § [22.1-69](#), the superintendent shall be excluded from any executive session of the school board which has as its purpose reaching a decision on a grievance. However, immediately after a decision has been made and publicly announced, as in favor of or not in favor of the grievant, the school board's attorney or representative and the superintendent may join the school board in executive session to assist in the writing of the decision.

F. In those instances when licensed personnel are dismissed or resign due to a conviction of any felony, any offense involving the sexual molestation, physical or sexual abuse or rape of a child, any offense involving drugs, or due to having become the subject of a founded case of child abuse or neglect, the local school board shall notify the Board of Education within 10 business days of such dismissal or the acceptance of such resignation.

§ [22.1-314](#). Decision of school board; issue of grievability; appeal.

Decisions regarding whether or not a matter is grievable shall be made by the school board at the request of the school division administration or grievant and such decision shall be made within 10 business days of such request. The school board shall reach its decision only after allowing the school division administration and the grievant opportunity to present written or oral arguments regarding grievability. The decision as to whether the arguments shall be written or oral shall be in the discretion of the school board. Decisions of the school board may be appealed to the circuit court having jurisdiction in the school division for a hearing on the issue of grievability.

Proceedings for review of the decision of the school board shall be instituted by filing a notice of appeal with the school board within 10 business days after the date of the decision and giving a copy thereof to all other parties.

Within 10 business days thereafter, the school board shall transmit to the clerk of the court to which the appeal is taken a copy of its decision, a copy of the notice of appeal, and the exhibits. The failure of the school board to transmit the record within the time allowed shall not prejudice the rights of the grievant. The court, on motion of the grievant, may issue a writ of certiorari requiring the school board to transmit the record on or before a certain date. Within 10 business days of receipt by the clerk of such record, the court, sitting without a jury, shall hear the appeal on the record transmitted by the school board and such additional evidence as may be necessary to resolve any controversy as to the correctness of the record. The court, in its discretion, may receive such other evidence as the ends of justice require. The court may affirm the decision of the school board or may reverse or modify the decision. The decision of the court shall be rendered no later than the fifteenth day from the date of the conclusion of the hearing. Such determination of grievability shall be made subsequent to the reduction of the grievance to writing but prior to any panel or school board hearing or the right to such determination shall be deemed to have been waived.

- The *Constitution of Virginia* grants the Board of Education authority for the general supervision of the public school system, and Section 22.1-16 of the *Code of Virginia* authorizes the Board to promulgate such regulations as may be necessary to carry out its powers and duties and the provisions of this title.

Constitution of Virginia ([Article VIII, Section 4](#)): “The general supervision of the public school system shall be vested in a Board of Education....”

Code of Virginia, Section [22.1-16](#). Bylaws and regulations generally.

The Board of Education may adopt bylaws for its own government and promulgate such regulations as may be necessary to carry out its powers and duties and the provisions of this title.

- On June 27, 2013, the Board of Education approved the Notice of Intended Regulatory Action (NOIRA), which is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA) and Executive Order 14 (2010). The NOIRA was filed with the Virginia Registrar. Public comments received are included in the Town Hall document.
- The Virginia Board of Education regulations, *Procedure for Adjusting Grievances*, were last amended effective May 2, 2005. The 2013 General Assembly approved legislation resulting in the need to make revisions to the regulations. Other than changing the *Procedure for Adjusting Grievances* to comport with the 2013 legislation, no additional substantive revisions were made. The major revisions to the regulations are as follows:
 - ✓ Changes the grievance procedure for teachers by giving local school boards the option to assign a grievance hearing to be heard by an impartial hearing officer designated by the local school board;
 - ✓ Removes the option for a grievance to be heard before a fact-finding panel;
 - ✓ Removes “placing on probation” from the definition of a Grievance; and
 - ✓ Revises the Board of Education forms prescribed by the *Code of Virginia*.

Mrs. Atkinson asked about the process for public comment.

The Board accepted for first review the proposed revisions to the *Procedure for Adjusting Grievances*, 8 VAC 20-90-10 et seq. (Proposed Stage).

Report on the Timeline for Review of the Health Education, Physical Education, Driver Education Standards of Learning, and the History and Social Science Standards of Learning

Mr. Eric Rhoades, director, Office of Science and Health Education, Division of Instruction, presented this item. His presentation included the following:

- The *Code of Virginia* requires a review of Virginia's Standards of Learning every seven years.

Code of Virginia, Section 22.1-253.13:1-B... "The Board of Education shall establish a regular schedule, in a manner it deems appropriate, for the review, and revision as may be necessary of the Standards of Learning in all subject areas. Such review of each subject area shall occur at least once every seven years. Nothing in this section shall be construed to prohibit the Board from conducting such review and revision on a more frequent basis..."

- The *Health Education, Physical Education, Driver Education Standards of Learning*, and the *History and Social Science Standards of Learning* were adopted in 2008 and are scheduled for review in 2014-2015. The standards for health education, physical education, and driver education may be viewed online at <http://www.doe.virginia.gov/testing/index.shtml>. The standards for history and social science may be viewed online at http://www.doe.virginia.gov/testing/sol/standards_docs/history_socialscience/index.shtml.
- Using an established review process and criteria, the Department of Education plans a review of the current *Health Education, Physical Education, Driver Education Standards of Learning*, and the *History and Social Science Standards of Learning* according to the projected timelines (Attachment A - Schedule for the Review of *Health Education, Physical Education, Driver Education Standards of Learning* and Attachment B - Schedule for the Review of *History and Social Science Standards of Learning*).

Mrs. Beamer noted her appreciation of the process in place to review the SOL.

The Board accepted the report.

SCHEDULE FOR THE REVIEW OF THE HEALTH EDUCATION, PHYSICAL EDUCATION, AND DRIVER EDUCATION STANDARDS OF LEARNING

- January 2014** The Department of Education presents the schedule for the review of the *Health Education, Physical Education, and Driver Education Standards of Learning* to the Board of Education.
- February 2014** A Superintendent's Memorandum is distributed that:
- announces the schedule of the review process;
 - announces the availability of *Health Education, Physical Education, and Driver Education Standards of Learning* review/comment pages on the Department of Education's Web site;
 - requests that division superintendents share information about the Web site with instructional staff; and
 - requests that division superintendents submit nominations for review team members.
- The Department of Education posts on its Web site an SOL review/comment Web page for the 2008 *Health Education, Physical Education, and Driver Education Standards of Learning*. The page will be active for 30 days.
- March 2014** The Department of Education identifies members of the review team and other stakeholders.

- April 2014** The Department of Education aggregates and conducts a preliminary analysis of the comments entered by e-mail through the Web page.
- July 2014** The *Health Education, Physical Education, and Driver Education Standards of Learning* review teams meet for three days to:
- analyze statewide input;
 - review national documents and reports as necessary; and
 - make recommendations for potential changes.
- August 2014** The Department of Education prepares a draft of the standards that reflect the review team's comments.
- September 2014** The Department of Education and the steering committee (a subgroup of the review team) meet to discuss and review the draft *Health Education, Physical Education, and Driver Education Standards of Learning*.
- October 2014** The Department of Education presents the draft of the *Health Education, Physical Education, and Driver Education Standards of Learning* documents to the Board of Education for first review.
- November 2014** The proposed *Health Education, Physical Education, and Driver Education Standards of Learning* document is distributed for public comment.
- The document is placed on the Department of Education's Web site for review.
- November - December 2014** Public hearings are held as prescribed by the Board of Education.
- January 2015** The Superintendent of Public Instruction presents the proposed *Health Education, Physical Education, and Driver Education Standards of Learning* to the Board of Education for final review and adoption. The final document is posted on the Department of Education's Web site.

**SCHEDULE FOR THE REVIEW OF
THE HISTORY AND SOCIAL SCIENCE STANDARDS OF LEARNING**

- January 2014** The Department of Education presents the schedule for the review of the *History and Social Science Standards of Learning* to the Board of Education.
- February 2014** A Superintendent's Memorandum is distributed that:
- announces the schedule of the review process;
 - announces the availability of a *History and Social Science Standards of Learning* review/comment page on the Department of Education's Web site;
 - requests that division superintendents share information about the Web site with instructional staff; and
 - requests that division superintendents submit nominations for review team members.
- The Department of Education posts on its Web site an SOL review/comment page for the 2008 *History and Social Science Standards of Learning*. The page will be active for 30 days.
- March 2014** The Department of Education identifies members of the review team and other stakeholders.

- April 2014** The Department of Education aggregates and conducts a preliminary analysis of the comments entered on the Web page.
- June - July 2014** The *History and Social Science* review team meets for four days to:
- analyze statewide Web page input;
 - review national and international documents and reports as necessary; and
 - make recommendations for potential changes.
- August 2014** The Department of Education prepares a draft of the standards that reflect the review team's comments.
- September 2014** The Department of Education and the steering committee (a subgroup of the review team) meet to discuss and review the draft *History and Social Science Standards of Learning* for first review by the Board of Education.
- A draft of the proposed *History and Social Science Standards of Learning* is made available to history and social science educators in institutions of higher education and professional organizations that focus on history and social science education for review and comment.
- October 2014** The Department of Education presents the draft *History and Social Science Standards of Learning* document to the Board of Education for first review.
- November 2014** The proposed *History and Social Science Standards of Learning* document is distributed for public comment.
- The document is placed on the Virginia Department of Education's Web site for review.
- November - December 2014** Public hearings are held as prescribed by the Board of Education.
- January 2015** The Superintendent of Public Instruction presents the proposed *History and Social Science Standards of Learning* to the Board of Education for final review and adoption. The final document is posted on the Department of Education's Web site.

THE SCHEDULE FOR THE REVIEW OF THE HISTORY AND SOCIAL SCIENCE CURRICULUM FRAMEWORK

- January 2015** The Department of Education identifies a review team to assist with the review of The Curriculum Framework. The Curriculum Framework defines the content knowledge, skills, and understandings that are measured by the *History and Social Science Standards of Learning* tests.
- February 2015** The Department and review team members meet to review The Curriculum Framework and make any edits required for realignment with the revised *History and Social Science Standards of Learning*.
- March 2015** A draft of the proposed *History and Social Science Standards of Learning Curriculum Framework* is made available to history and social science educators in institutions of higher education and professional organizations that focus on history and social science education for review and comment.
- April 2015** The Department of Education presents the draft of The Curriculum Framework to the Board for first review.

- May 2015** The Department of Education posts on its Web site the *History and Social Science Standards of Learning* Curriculum Framework for review. The page will be active for 30 days.
- July 2015** The Superintendent of Public Instruction presents the proposed The Curriculum Framework to the Board of Education for final review and adoption. The final document is posted on the Department of Education's Web site.

DISCUSSION OF CURRENT ISSUES

The Board met for a public dinner on Wednesday, January 15, 2014, at the Commonwealth Park Suites Hotel with the following members present: Mrs. Atkinson, Dr. Baysal, Mrs. Beamer, Mr. Braunlich, Dr. Cannaday, Mrs. Edwards, Mrs. Sears, Mrs. Wodiska, and Mr. Foster. 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 the Virginia Board of Education, as well as staff members, Patricia Wright, Patty Pitts, Nancy Walsh, and Richard Schley, participate in this closed meeting. The motion was seconded by Mrs. Atkinson and carried unanimously. The Board went into Executive Session at 1:15 p.m.

Mr. Foster made a motion that the Board reconvene in open session. The motion was seconded by Mrs. Wodiska and carried unanimously. The Board reconvened at 4:59 p.m.

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. Wodiska and carried unanimously.

Board Roll call:

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

Mrs. Beamer left at 4:40 p.m. before the Board's vote and signed a written certification that she will not vote on any cases before the Board when it returns to open session.

The Board made the following motions:

- Mr. Foster made a motion to revoke the license of Andrew Wade Wilkinson. The motion was seconded by Dr. Cannaday and carried unanimously.
- Mr. Foster made a motion to defer Case #1 until the applicant has an opportunity to appear before the Board. The motion was seconded by Mr. Braunlich and carried unanimously.
- Mr. Foster made a motion to issue a license in Case #2. The motion was seconded by Mrs. Atkinson and carried with 7 "yes" votes and 1 "no" vote.
- Mr. Foster made a motion to revoke the license of Yvette A. Disnew. The motion was seconded by Dr. Baysal and carried unanimously.
- Mr. Foster made a motion to revoke the license of Robert J. Kobman. The motion was seconded by Mrs. Wodiska and carried unanimously.
- Mr. Foster made a motion to revoke the license in Case #6. The motion was seconded by Dr. Baysal and failed with 6 "no" votes and 2 "yes" votes.

Mr. Foster made a motion to go back 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, Patricia Wright, Patty Pitts, Nancy Walsh, and Richard Schley, participate in this closed meeting. The motion was seconded by Dr. Baysal and carried unanimously. The Board went into Executive Session at 5:05 p.m.

Mr. Foster made a motion that the Board reconvene in open session. The motion was seconded by Mrs. Wodiska and carried unanimously. The Board reconvened at 6:32 p.m.

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. Wodiska and carried unanimously.

Board Roll call:

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

Dr. Cannaday left at 5:24 p.m. before the Board's vote and signed a written certification

that he will not vote on any cases before the Board when it returns to open session.

The Board made the following motions:

- Mr. Foster made a motion to revoke the license of Charles Thomas Mead. The motion was seconded by Mrs. Sears and carried unanimously.
- Mr. Foster made a motion to defer action on Case #8, pending further proceedings by the Superintendent's Investigative Panel. The motion was seconded by Dr. Baysal and carried unanimously.
- Mr. Foster made a motion to issue a license in Case #9. The motion was seconded by Mrs. Edwards and carried unanimously.
- Mr. Foster made a motion to deny a license to Charles A. White. The motion was seconded by Mrs. Atkinson and carried unanimously.
- Mr. Foster made a motion to rescind the Board's order revoking the license of Dannis Jackson to permit cancellation of the license. The motion was seconded by Dr. Baysal and carried unanimously.
- Mr. Foster made a motion to revoke the license of Jennifer Corin Kiselica. The motion was seconded by Mrs. Wodiska 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 6:35 p.m.

President