VIRGINIA BEACH CITY PUBLIC SCHOOLS
CHARTING THE COURSE

School Board Services

Beverly M. Anderson, Chair	**Joel A. McDonald, Vice Chair**
At-Large	District 3 – Rose Hall

Daniel D. Edwards	**Sharon R. Felton**	**Dorothy M. Holtz**
District 2 – Kempsville	District 6 – Beach	At-Large
Victoria C. Manning	**Ashley K. McLeod**	**Kimberly A. Melnyk**
At-Large	At-Large	District 7 – Princess Anne
Trenace B. Riggs	**Carolyn T. Rye**	**Carolyn D. Weems**
District 1 – Centerville	District 5 - Lynnhaven	District 4 - Bayside

Aaron C. Spence, Ed.D., Superintendent

School Board Regular Meeting Agenda
Tuesday, October 9, 2018
School Administration Building #6, Municipal Center
2512 George Mason Dr.
P.O. Box 6038
Virginia Beach, VA 23456
(757) 263-1000

In accordance with School Board Bylaw 1-48 §G, "No person attending a meeting of the School Board, in any capacity, shall use or allow to sound any device in a manner that disrupts the conduct of business within the room in which the School Board is meeting"

INFORMAL MEETING

1. ***Convene School Board Workshop*** *(einstein.lab)* .... **4:00 p.m.**
    A. School Board Administrative Matters and Reports
    B. Scratch Cooking Initiative
    C. Budget FY2017/18 Resolution Regarding Reversion and Revenue Actual Over/Under Budget Funds
    D. Strategic Planning Process Beyond Compass to 2020

2. ***Closed Meeting*** (as needed)

3. ***School Board Recess*** .... **5:30 p.m.**

FORMAL MEETING

4. ***Call to Order and Roll Call*** *(School Board Chambers)* .... **6:00 p.m.**

5. ***Moment of Silence followed by the Pledge of Allegiance***

6. ***Student, Employee and Public Awards and Recognition***

7. ***Superintendent's Report***

8. ***Hearing of Citizens and Delegations on Agenda Items***
    The Board will hear public comment on items germane to the School Board Agenda for the meeting from citizens who have signed up to speak with the Clerk of the School Board. Citizens are encouraged to sign up by noon the day of the meeting by contacting the Clerk at 263-1016 and shall be allocated 4 minutes each until 7:30 p.m., if time is available. If time does not permit all members of the public to speak before 7:30 p.m., an additional opportunity for public comment on Agenda items may be given after the Information section of the Agenda. All public comments shall meet the Board Bylaw 1-48 requirements for Decorum and Order.

9. ***Approval of Minutes:*** September 25, 2018 Regular Meeting

10. ***Adoption of the Agenda***

School Board Regular Meeting Agenda (continued)
Tuesday, October 9, 2018
School Administration Building #6, Municipal Center
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P.O. Box 6038
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11. *Consent Agenda*
    A. Resolutions:
        1. Disability Awareness
        2. Bullying Prevention Month
        3. Filipino American Heritage
    B. English as a Second Language Program (K-12): Evaluation Readiness Report
    C. Religious Exemptions

12. *Action*
    A. Personnel Report / Administrative Appointments Updated 10/10/2018

13. *Information*
    A. Budget FY2017/18 Resolution Regarding Reversion and Revenue Actual Over/Under Budget Funds Updated 10/10/2018 as approved as Action Item 12B
    B. State Accreditation and Federal Accountability: Status of our Schools 2018/19
    C. Policy Review Committee Recommendations
        1. New Policy 4-6 Healthy Work Environment
        2. Policy 4-14 Alternative Work Schedules
        3. Policy 4-22 Drug and Alcohol Testing of Motor Vehicle Operators
        4. Policy 4-91 Student Teachers
        5. Policy 5-1 Extent of School Authority
        6. Regulation 5-36.2 False Alarms/Bomb Threats/911 Calls
        7. New Policy 5-43 Threats
            a. Regulation 5-43.1 Threat Assessment Procedures

14. *Standing Committee Reports*

15. *Conclusion of Formal Meeting*

16. *Hearing of Citizens and Delegations on Non-Agenda Items*
    At this time, the School Board will hear public comment on items germane to the business of the School Board that are not on the School Board's Agenda for the meeting from citizens who sign up to speak with the Clerk of the School Board by 3:00 p.m. the day of the meeting and shall be allocated 4 minutes each. All public comments shall meet the School Board Bylaw 1-48 requirements for Decorum and Order.

17. *Recess into Workshop* (if needed)

18. *Closed Meeting* (as needed)

19. *Vote on Remaining Action Items*

20. *Adjournment*

Subject: __Scratch Cooking Initiative_____**Item Number:** _1B_

Section: ___Workshop_____ **Date:** _October 9, 2018_____

Senior Staff: ___David Pace, Interim Chief Operations Officer, School Division Services_____

Prepared by: ___Dr. John E. Smith, Director, Food Services_____

Presenter(s): Dr. John E. Smith, Director, Food Services_____

Recommendation:

Continue full implementation of the ODS Scratch Cooking Pilot at all schools

Background Summary:

During the Fall of the 2017-18 school year, the Office of Food Service (OFS) contracted with the consulting firm Beyond Ground to pilot a scratch cooking initiative at ODS. The goal of the pilot was to explore the feasibility of implementing a cost neutral scratch cooking program that could be used as a model across the school division. The pilot provided a good learning experience for staff and students and resulted in several key aspects of operations that would need to be addressed in order to expand. Implementation across the division will require a more highly trained staff, revision of the old career ladder, and equipment upgrades and replacement at most of our schools. OFS has experienced strong financial growth over the last three years through a combination of increase sales and streamlined expenses and is in a position to move this initiative forward

Source:

Budget Impact:

No impact on the operational budget

Subject: Budget Resolution Regarding FY 2017/18 Reversion and Revenue Actual Over Budgeted Funds   **Item Number:** 1C

Section: Workshop   **Date:** October 9, 2018

Senior Staff: Farrell E. Hanzaker, Chief Financial Officer

Prepared by: Farrell E. Hanzaker, Chief Financial Officer

Presenter(s): Farrell E. Hanzaker, Chief Financial Officer

Recommendation:

It is recommended that the School Board approve the Budget Resolution regarding FY 2017/18 Reversion and Revenue Actual Over Budget Funds.

Background Summary:

- Reversion funds equal the unspent fund balance after netting Revenue Sharing Formula funds Actual Over or Under Budget.

- The net estimated funding available for re-appropriation is $24,417,731.

- Based on early projections, a possible revenue funding shortfall for FY 2019/20 in the amount of 6,800,000 should be re-appropriated to the School Reserve Special Revenue fund and the remaining funds available should be re-appropriated for the purposes indicated in the attached Resolution.

- The attached Budget Resolution, once approved by the School Board, will be sent to the City Council for approval.

Source:

Unaudited Financial Statements for FY 2017/18 and the city staff communication of year-end true-up numbers.

Budget Impact:

$24,417, 731 to be re-appropriated as indicated in the attached Budget Resolution regarding FY 2017/18 Reversion and Revenue Over Actual Funds.

Subject: **Strategic Planning Process Beyond *Compass to 2020***   **Item Number:** **1D**

Section: **Workshop**   **Date:** **October 9, 2018**

Senior Staff: **Marc A. Bergin, Ed.D., Chief of Staff**

Prepared by: **Lisa A. Banicky, Ph.D., Executive Director of Planning, Innovation, and Accountability**
                 Office of Planning, Innovation, and Accountability

Presenter(s): **Lisa A. Banicky**

Recommendation:

That the School Board receive information about the plan for developing the strategic framework that will follow *Compass to 2020*.

Background Summary:

This presentation will provide the School Board with a proposal for engaging in the next strategic planning cycle. Standard 6 Planning and Public Involvement of the Virginia *Standards of Quality* § 22.1-253.13:6 states "Each local school board shall adopt a divisionwide comprehensive, unified, long-range plan . . ."At the local level, School Board Regulation 7-21.7 provides additional direction for developing the division's strategic. Our regulation requires the School Board to activate a Community Ad Hoc Strategic Plan Committee one year prior to the end of the cycle of the long-range plan required by the Virginia Department of Education.

Source:

Code of Virginia § 22.1-253.13:6, as amended. Standard 6. Planning and public involvement

School Board Regulation 7-21.7

Budget Impact:

Subject: Approval of Minutes   **Item Number: 9**

Section: Approval of Minutes   **Date: October 9, 2018**

Senior Staff: N/A

Prepared by: Dianne P. Alexander, School Board Clerk

Presenter(s): Dianne P. Alexander, School Board Clerk

Recommendation:

That the School Board adopt the minutes of their September 25, 2018 regular meeting as presented.

Background Summary:

Source:

Bylaw 1-40

Budget Impact:

N/A

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District 2 – Kempsville	District 6 – Beach	At-Large

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Aaron C. Spence, Ed.D., Superintendent

School Board Regular Meeting **MINUTES**
Tuesday, September 25, 2018
School Administration Building #6, Municipal Center
2512 George Mason Dr.
Virginia Beach, VA 23456

INFORMAL MEETING

1. ***Closed Meeting #1 of 2:*** The School Board convened in the einstein.lab at 3:02 p.m. All School Board members were present with the exception of Ms. McLeod who was absent from the meeting. Vice Chair McDonald made a motion, seconded by Ms. Riggs, that the School Board recess into a closed session pursuant to the exemptions from open meetings allowed by Section 2.2-3711, Part A, Paragraphs 1 and 7 of the *Code of Virginia*, 1950, as amended, for

   A. Personnel Matters: Discussion, consideration, or interviews of prospective candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees pursuant to Section 2.2-3711, (A)(1); namely to discuss <u>an investigation into an employee matter and terms of employment</u>; and

   B. Legal Matters: Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation where such consultation or briefing in an open meeting would adversely affect the negotiating or litigating posture of the Board or consultation with legal counsel employed or retained by the Board regarding specific legal matters requiring the provision of legal advice by such counsel, pursuant to Section 2.2-3711 (A) (7); namely to discuss <u>probable or pending litigation</u>.

   The motion passed (ayes 10, nays 0), and the School Board entered into a closed meeting at 3:04 p.m.

   Individuals present for discussion: School Board members with the exception of Ms. McLeod who was absent from the meeting; Terrie L. Pyeatt, Director of Internal Audit; Larry Davenport, Audit Committee citizen member; School Board Legal Counsel, Kamala H. Lannetti, Deputy City Attorney; and Dianne P. Alexander, Clerk of the School Board.

   The School Board reconvened in an open meeting at 4:23 p.m.

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Certification of Closed Meeting: Vice Chair McDonald made a motion, seconded by Mr. Edwards, that the School Board certifies that to the best of each member's knowledge, only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification applies, and only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed, or considered. The motion passed (ayes 10, nays 0).

2.   *Convene School Board Workshop:* Chairwoman Anderson convened the School Board in workshop format in the einstein.lab at 4:34 p.m. In addition to Superintendent Spence, all School Board members were present with the exception of Ms. McLeod who Chairwoman Anderson announced was absent from the meeting due to a work obligation out of town.

A.   School Board Administrative Matters and Reports:

1.   Acknowledgement by the American Heart Association: Matthew Houck, American Heart Association's Youth Market Director – Coastal Virginia, presented on overview of the organization's dedicated efforts in overall health, physical and mental well-being; and recognized the division for being selected the top district in the state for efforts not only in financial support, but also for the outreach in educating students.

Chairwoman Anderson affirmed a second closed meeting would be held at the conclusion of the formal meeting. School Board members reported on activities and events related to Green Run High School's scheduled 40th anniversary celebration and mention of their i-lab (Innovation Lab) in *Virginia Magazine* where statewide progressive districts were recognized for specific programs; Princess Anne County/Union Kempsville's 80th reunion; Teacher Forum's Citywide Information Meeting; STEM student event for associated with the NAS Oceana Air Show; Food Bank's elected officials' engagement day; and tribute regarding an opioid awareness event.

This portion of the workshop concluded at 4:46 p.m.

B.   BASE Alternative Behavior Program: Kipp D. Rogers, Ph.D., Chief Academic Officer, presented an update on the Behavior and Social-Emotional (BASE) program for elementary students to include background information on the BASE committee, site visits during program development, and list of field test schools. Also presented was an overview of the program structure, student criteria, referral process, parent component, student transition process, program learning environment, and program staffing. Fiscal implications were reported in the area of reallocating central office positions to provide instructional positions, transportation for students, and materials provided by the Office of Student Support Services. This portion of the workshop concluded at 5:13 p.m.

C.   Capital Improvement Program (CIP) Construction Projects Update: Tony L. Arnold, P.E., Executive Director of Facilities Services, presented an update on construction projects in the Capital Improvement Program to include John B. Dey Elementary School,

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Thoroughgood Elementary School, and Princess Anne Middle School modernization/replacement projects with a total value of $136.3 million; summer infrastructure projects totaling $14.4 million; and Long Range Facilities Master Plan update. This portion of the workshop concluded at 5:30 p.m.

D.   Forecast of Agenda Items FY19 2ⁿᵈ Quarter – October, November, December 2018: Superintendent Spence presented Administration's forecast of agenda topics to be presented in the FY19 second quarter – October, November, December 2018.

The workshop concluded at 5:34 p.m.

3.   ***School Board Recess:*** The School Board recessed at 5:34 p.m. to reconvene in School Board Chambers for the formal meeting at 6:00 p.m.

FORMAL MEETING

4.   ***Call to Order and Roll Call:*** Chairwoman Anderson called the formal meeting to order at 6:00 p.m. In addition to Superintendent Spence, all School Board members were present with the exception of Ms. McLeod who Chairwoman Anderson announced was absent from the meeting due to a work obligation out of town.

5.   ***Moment of Silence followed by the Pledge of Allegiance***

6.   ***Student, Employee and Public Awards and Recognition:***
      A.   PTA Reflections National Winner: The School Board recognized Great Neck Middle School eighth-grade student Erin Bailey for winning an Award of Excellence in the National Parent Teacher Association (PTA) annual Reflections Contest at the national level in the dance choreography category.

      B.   Virginia Finalists for 2018 Presidential Award in Mathematics and Science Teaching: Old Donation School teacher, Melissa Follin; and Holland Elementary School math specialist, Allison Crisher, were recognized by the School Board for being two of Virginia's four finalists for the 2018 Presidential Award for Excellence in Mathematics and Science Teaching; an honor administered by the National Science Foundation on behalf of the White House, regarded as the nation's top honor for mathematics and science teachers. The two will now advance to compete at the national level where only 108 teachers will be selected as national winners.

7.   ***Superintendent's Report:*** In his tradition of recognizing the newest member(s) of the *Compass Keepers Club*[1], Superintendent Spence's report featured Robert Brown, Kempsville Middle School custodian, and his work in building relationships with students by tending to the needs of the building while mentoring and encouraging students as a football and basketball coach.

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[1] Members of the Compass Keepers Club are students, staff or community supporters who truly represent Virginia Beach City Public Schools with dedication, determination, passion and drive

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8.   *Hearing of Citizens and Delegations on Agenda Items:* None

9.   *Approval of Minutes:* September 11, 2018 Regular School Board Meeting: Ms. Rye made a motion, seconded by Ms. Holtz, that the School Board approve the minutes of their September 11, 2018 regular meeting as presented. The motion passed (ayes 8, nays 0; 2 abstentions – Edwards and Manning who were absent from the September 11 meeting).

10.   *Adoption of the Agenda:* Prior to a motion, Chairwoman Anderson announced a modification to the published agenda as requested by a School Board member to move Consent Item 11D4 – Policy 7-43 to Action as Item 12B. Ms. Manning then made a motion, seconded by Ms. Felton, that the School Board adopt the agenda as amended. The motion passed (ayes 10, nays 0).

11.   *Consent Agenda*: After the School Board Chair's review of items presented as part of the Consent Agenda, Ms. Holtz made a motion, seconded by Ms. Riggs, that the School Board approve the Consent Agenda as reviewed. The motion passed (ayes 10, nays 0), and the following items were approved as part of the Consent Agenda:

   A.   Resolution: Dyslexia Awareness Month as follows:

Resolution for Dyslexia Awareness Month
October 2018

WHEREAS, dyslexia is a language-based learning disability that causes difficulties with reading, writing, spelling, and word pronunciation; and

WHEREAS, the onset and severity of dyslexia varies for each individual; and

WHEREAS, it takes individuals with dyslexia longer to process phonemic information, thus affecting academic growth, achievement, and self-esteem; and

WHEREAS, it is important to provide effective teaching approaches and educational intervention strategies for individuals with dyslexia; and

WHEREAS, Dyslexia Awareness Month is an opportunity to acknowledge educators utilizing effective teaching strategies, and to celebrate the many achievements of adolescents, students and adults with dyslexia; and

WHEREAS, the School Board of the City of Virginia Beach is committed to a continued focus on educating students, parents, and school staff about effective teaching strategies to address the needs of students with learning disabilities.

NOW, THEREFORE, BE IT

RESOLVED: That the School Board of the City of Virginia Beach designates the month of October to be Dyslexia Awareness Month, and be it

FURTHER RESOLVED: That strategies and interventions to address the needs of students with learning disabilities be ongoing in Virginia Beach City Public Schools, and be it

FURTHER RESOLVED: That a copy of this resolution be spread across the official minutes of this Board.

   B.   Budget Calendar FY2019/20 as follows:

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Budget Calendar
FY 2019/20 School Operating Budget and FY 2019/20 - FY 2024/25 Capital Improvement Program

2018

September	The Budget Calendar is developed
Sept. 11	The Budget Calendar is presented to the School Board for information
Sept. 25	The Budget Calendar is presented to the School Board for action
Oct. 10	A budget kickoff meeting is conducted to provide senior staff and budget managers with an economic update, revenue outlook and general directions for budget development
Oct. 10 - Dec. 11	Budget requests are submitted by senior staff and budget managers to the Office of Budget Development
Nov. 20	A Five Year Forecast is presented to the School Board and the City Council
Dec. 7	Recommended part-time hourly rates for FY 2019/20 are submitted by the Department of Human Resources to the Office of Budget Development
Dec. 10	A draft of the Capital Improvement Program is prepared for the superintendent's review
Dec. 11	A public hearing is held to solicit stakeholder input and offer the community an opportunity to be involved in the budget development process
December (3rd week)	State revenue estimates are released by the Virginia Department of Education

2019

Jan. 2 - 18	Budget requests are reviewed, refined and summarized by the Office of Budget Development
Jan. 7	The recommended Capital Improvement Program budget is presented to the superintendent and senior staff
Jan. 14	The unbalanced School Operating budget is presented to the superintendent and senior staff
*Feb. 5	The Superintendent's Estimate of Needs for FY 2019/20 is presented to the School Board (Special School Board meeting required)
*Feb. 5	The Superintendent's Proposed FY 2019/20 - FY 2024/25 Capital Improvement Program budget is presented to the School Board (Special School Board meeting required)
Feb. 12	School Board Budget Workshop #1 is held from 2:00 - 5:00 p.m.
Feb. 19	School Board Budget Workshop #2 is held from 5:00 - 8:00 p.m.
Feb. 26	A public hearing is held to solicit stakeholder input and offer the community an opportunity to be involved in the budget development process
Feb. 26	School Board Budget Workshop #3 is held from 2:00 - 5:00 p.m. (if needed)
March 5	School Board Budget Workshop #4 is held from 2:00 - 5:00 p.m. (if needed)
*March 5	The FY 2019/20 School Operating budget and FY 2019/20 - FY 2024/25 Capital Improvement Program budget are adopted by the School Board (Special School Board meeting required)
March 12	The FY 2019/20 School Board Proposed Operating Budget is provided to city staff
April	The FY 2019/20 School Board Proposed Operating Budget and FY 2019/20 - FY 2024/25 Capital Improvement Program budget are presented to the City Council (Sec. 15.1-163)
No Later Than May 15	The FY 2019/20 School Board Proposed Operating Budget and FY 2019/20 - FY 2024/25 Capital Improvement Program budget are approved by the City Council (Sec. 22.1-93; 22.1-94; 22.1-115)

*Special School Board Meetings will still be required according to the School Board schedule.

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C.   Religious Exemption Case Nos. RE-18-11 and RE-18-12
D.   Policy Review Committee Recommendations
        1.   Policy 3-89 General Contract and Execution Policy modified to include changes in language to allow for consistent authorization of small purchases
        2.   Policy 6-33 Special Education updated to include new state mandated language changes and/or updates
        3.   Policy 7-36 Soliciting from/by School Personnel revised with minor wording changes to language to include online/social media fundraising and language to consider options that will provide the greatest financial return for the school based on students' participation in any fundraising activities
        4.   *[moved to Item 12B during Adoption of the Agenda]*

12.   *Action*
A.   <u>Personnel Report</u>: Mr. Edwards made a motion, seconded by Ms. Melnyk, that the School Board approve the appointments and accept the resignations, retirements and other employment actions as listed on the Personnel Report dated September 25, 2018. The motion passed (ayes 10, nays 0). There were no recommended administrative appointments to be announced by the Superintendent.

B.   <u>Policy 7-43 Fundraising by Students</u> (formerly Consent Item 11D4): Ms. Holtz made a motion, seconded by Ms. Melnyk, that the School Board approve amendments to Policy 7-43 Fundraising by Students as proposed where minor wording changes to language were recommended to include online/social media fundraising and language to consider options that will provide the greatest financial return for the school based on students' participation in any fundraising activities. Ms. Manning proposed a substitute motion to remove "and/or Department of Media and Communications" from Section A9; and add item 12 to Section A requiring disclosure on the percentage of funds to be kept by the school. Ms. Weems provided a second to the substitute motion. Discussion ensued. After a call for the question, the substitute motion failed (ayes 2 – Manning and Weems, nays 8). A vote on the original motion to approve amendments as proposed passed (ayes 8, nays 2 – Manning and Weems).

13.   *Information*
A.   <u>English as a Second Language Program (K-12): Evaluation Readiness Report</u>: Stephen C. Court, Program Evaluation Specialist, presented the English as a Second Language (ESL) Program Evaluation Readiness Report including background information and review of the evaluation process, along with information on program goals and objectives. As a result, a three-year evaluation of the ESL program was recommended with a focus on the implementation process in years one and two, and shift to effectiveness of the program in terms of student outcomes in year three with a comprehensive evaluation report scheduled to be presented to the School Board in the fall 2021.

B.   <u>Interim Financial Statements – June (unaudited), July, and August 20-18</u>: Crystal M. Pate, Director of Business Services, presented highlights of the interim financial statements for

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fiscal year ending June 30, 2018; reporting on overall final revenue trends in the areas of the Commonwealth of Virginia, results of a March 31 Average Daily Membership (ADM) coming in slightly higher than originally budgeted, federal Impact Aid, sales tax receipts, other revenue sources from sales of school vehicles and salvage materials, indirect cost revenue from grants, bond premiums, and revenue bond refunding by the City.   Final expenditures and encumbrances were reported as favorable in all categories for the fiscal year. In conclusion, she reported components resulting in a reversion back to the City of approximately $22.9 million for the fiscal year to be addressed in a resolution to be presented for the School Board's consideration for appropriation in October 2018 noting figures are unaudited and subject to change. July and August interim financial statements were presented as required by state code, although abbreviated absent salaries and benefits for ten month employees, encumbrances from the prior year and other adjustments therefore rendered not as meaningful or comparable as the financial statements to be presented to the School Board in September.

14. ***Standing Committee Reports:*** As chair of the School Board's Policy Review Committee, Ms. Rye announced committee meeting dates on October 17, November 19 and December 13.

15. ***Conclusion of Formal Meeting:*** The formal meeting concluded at 7:00 p.m.

16. ***Hearing of Citizens and Delegations on Non-Agenda Items:*** None

17. ***Recess into Workshop:*** None

18. ***Closed Meeting #2 of 2:*** Vice Chair McDonald made a motion, seconded by Ms. Melnyk, that the School Board recess into a closed session pursuant to the exemptions from open meetings allowed by Section 2.2-3711, Part A, Paragraphs 1 and 7 of the *Code of Virginia*, 1950, as amended, for the following purposes:

A.   Personnel Matters: Discussion, consideration, or interviews of prospective candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees pursuant to Section 2.2-3711, (A)(1); namely to discuss

    1.   an investigation into an employee matter and terms of employment; and

    2.   a determination regarding Employee Grievance Case No. 521-06-21-18.

B.   Legal Matters: Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation where such consultation or briefing in an open meeting would adversely affect the negotiating or litigating posture of the Board or consultation with legal counsel employed or retained by the Board regarding specific legal matters requiring the provision of legal advice by such counsel, pursuant to Section 2.2-3711 (A) (7); namely to discuss

    1.   probable or pending litigation and contract terms for a specific administrator; and

    2.   procedure for employee grievance case.

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The motion passed (ayes 10, nays 0), and the School Board recessed at 7:01 p.m. and reconvened in Room 113 in a closed meeting at 7:09 p.m.

<u>Individuals present for discussion (in the order in which items were discussed)</u>:

A.   <u>Personnel Matters:</u>

1.   <u>An investigation into an employee matter and terms of employment</u>: School Board members with the exception of Ms. McLeod who was absent from the meeting; Superintendent Spence; School Board Legal Counsel, Kamala H. Lannetti, Deputy City Attorney; and Dianne P. Alexander, Clerk of the School Board.

B.   <u>Legal Matters:</u>

1.   <u>Probable or pending litigation and contract terms for a specific administrator</u>: School Board members with the exception of Ms. McLeod who was absent from the meeting; Superintendent Spence; School Board Legal Counsel, Kamala H. Lannetti, Deputy City Attorney; and Dianne P. Alexander, Clerk of the School Board.

2.   <u>Procedure for employee grievance case</u>: School Board members with the exception of Ms. McLeod who was absent from the meeting; School Board Legal Counsel, Kamala H. Lannetti, Deputy City Attorney; and Dianne P. Alexander, Clerk of the School Board.

A.   <u>Personnel Matters:</u>

2.   <u>A determination regarding Employee Grievance Case No. 521-06-21-18</u>: School Board members with the exception of Ms. McLeod who was absent from the meeting; and Dianne P. Alexander, Clerk of the School Board.

The School Board reconvened in an open meeting at 8:00 p.m.

<u>Certification of Closed Meeting</u>: Vice Chair McDonald made a motion, seconded by Ms. Melnyk, that the School Board certifies that to the best of each member's knowledge, only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification applies, and only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed, or considered. The motion passed (ayes 10, nays 0).

19.   ***Vote on Remaining Action Items:*** Vice Chair McDonald made a motion, seconded by Mr. Edwards, that the School Board approve a resolution regarding Grievance Case No. 521-06-21-18 adopting the Findings of Facts amended to exclude item 18, and recommendation of the Hearing Officer that the Grievant be dismissed from employment. The motion passed (ayes 9, nays 0; 1 abstention – Riggs, describing the Grievant as a former colleague and past teacher of her son), and the resolution was approved as follows:

VIRGINIA BEACH CITY PUBLIC SCHOOLS
CHARTING THE COURSE

MINUTES
Tuesday, September 25, 2018
School Board Regular Meeting
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School Board of the City of Virginia Beach
School Administration Building# 6, Municipal Center
2512 George Mason Dr., Virginia Beach, VA 23456

RESOLUTION REGARDING GRIEVANCE CASE NO. 521-06-21-18

RESOLVED: That on September 25, 2018, the School Board considered the Findings of Fact and Recommendation of the Hearing officer, the transcripts of the August 14, 15 & 21, 2018 hearings and the exhibits, and based upon such consideration, it is;

RESOLVED: That the School Board adopts the Findings of Facts, amended to exclude Item 18, and Recommendation of the Hearing Officer that the Grievant be dismissed from employment; and

FURTHER RESOLVED: That the Clerk is directed to send a copy of this Resolution to the Grievant, the Grievant's attorney, the Principal of Salem Middle School, the City Attorney, the Employee Relations Specialist, and the Chief Human Resources Officer, who is directed to place a copy of this Resolution, the Hearing Officer's amended Findings of Fact and Recommendation, and the exhibits in the Grievant's personnel file.

Mr. Edwards made a motion, seconded by Ms. Manning, that the School Board of the City of Virginia Beach approves the continued employment of Dr. Aaron Spence by AASA – American Association of School Administrators [Superintendents] on a not to interfere basis with his duties as Virginia Beach Superintendent, and consistent with the terms of his contract. The motion passed (ayes 10, nays 0).

20.   *Adjournment:* There being no further business before the School Board, Chairwoman Anderson adjourned the meeting at 8:05 p.m.

Respectfully submitted:

_____
Dianne P. Alexander, Clerk of the School Board

Approved:

_____
Beverly M. Anderson, School Board Chair

Subject: _Resolution: Disability History and Awareness Month_____**Item Number:** _11A1____

Section: __Consent_____ **Date:** October 9, 2018_____

Senior Staff: _Kipp D. Roger, Ph.D., Chief Academic Officer, Department of Teaching and Learning_____

Prepared by: _Roni Myers-Daub, Ed.D., Executive Director of Programs for Exceptional Children _____

Presenter(s): _Roni Myers-Daub, Ed.D., Executive Director of Programs for Exceptional Children _____

Recommendation:
That the School Board approve a resolution recognizing October as Disability History and Awareness Month.

Background Summary:

The Virginia General Assembly Proclamation in October 2009 recognized October as Disability History and Awareness Month. October was declared to be the month in which efforts were to be made to increase awareness and respect for persons with disabilities and to inform the public concerning their many contributions to society and emphasize the abilities and rights of persons with disabilities rather than their exceptionalities. In VBCPS, school administrators have been informed of activities to consider as part of morning announcements, language arts activities, and other projects to develop an awareness of this proclamation for October.

Source:
The Virginia General Assembly Proclamation in 2009 for October
Senate Joint Resolution 321

Budget Impact:

N/A

Disability History and Awareness Month, October 2018

WHEREAS, Americans with Disability Act of 1990 was founded on four principles: inclusion, full participation, economic self-sufficiency and equality of opportunity for all people with disabilities; and

WHEREAS, the Virginia General Assembly has designated the month of October as Disability History and Awareness Month to increase public awareness and respect for persons with disabilities; to inform the public concerning their many contributions to society; and to emphasize the abilities and rights of persons with disabilities rather than their exceptionalities; and

WHEREAS, public schools, institutions of higher education, the business community, civic organizations and other interested entities are encouraged to promote Disability History and Awareness Month in the Commonwealth of Virginia; and

WHEREAS, the Virginia Department of Education's ~~2014~~ 2016 Child Count reported the Virginia public school divisions served ~~162,960~~ 168,469 students with disabilities under the Individuals with Disabilities Education Act and Virginia Beach City Public Schools served ~~8,004~~ 7,926 students with disabilities under the Individuals with Disabilities Education Act; and

WHEREAS, Virginia Beach City Public Schools believes in having the highest expectations for students with disabilities and believes that students with disabilities make significant academic and social progress when educated, as appropriate, in general education environments; and

WHEREAS, it is necessary to increase public awareness, knowledge, and understanding of disabilities, the rights of persons with disabilities, and to foster a culture of mutual respect and equal opportunities for all in our schools, businesses, and communities.

NOW, THEREFORE, BE IT

RESOLVED: That the School Board of the City of Virginia Beach officially recognizes the month of October 2018 as Disability History and Awareness Month; and be it

FURTHER RESOLVED: That the School Board of the City of Virginia Beach encourages all citizens to support and participate in the various school activities during Disability History and Awareness Month; and be it

FURTHER RESOLVED: That a copy of this resolution be spread across the official minutes of this Board.

Adopted by the School Board of the City of Virginia Beach this 9th day of October 2018

_____
Beverly M. Anderson, School Board Chair

S E A L

_____
Aaron C. Spence, Superintendent

Attest:

_____
Dianne P. Alexander, Clerk of the Board

Subject: _Resolution: Bullying Prevention Month, October 2018_____**Item Number:** _11A2__

Section: __Consent_____ **Date:** October 9, 2018_____

Senior Staff: __Kipp D. Roger, Ph.D., Chief Academic Officer, Department of Teaching and Learning_____

Prepared by: _Alveta J. Green, Ed.D., Executive Director of Student Support Services _____

Presenter(s): _Alveta J. Green, Ed.D., Executive Director of Student Support Services _____

Recommendation:
That the School Board of the City of Virginia Beach proclaim October 2018 as Bullying Prevention Month.

Background Summary:
In an effort to promote awareness of school bullying, the Virginia School Board Association (VSBA) Board of Directors has designated the month of October as the VSBA Bullying Prevention Month.

The consequences of bullying are far reaching, ranging from lower attendance and student achievement to increased incidents of violence and juvenile crime. Children who bully are more likely to become violent adults, while victims of bullying often suffer from anxiety, low self-esteem and depression, well into adulthood.

Clearly, understanding-and taking seriously-the dynamics of bullying behavior among school-aged children is essential to building safe and effective schools. School Board members, superintendents, teachers and parents can play a critical role in creating a climate where bullying is not tolerated. It has been proven when adults and children stand together, bullying ends.

Source:

Virginia School Board Association

Budget Impact:

N/A

Resolution for Bullying Prevention Month
October 2018

WHEREAS, bullying can take many forms, including verbal, physical, and most recently in cyberspace, and may happen on and off school grounds; and

WHEREAS, it is important for Virginia Beach parents, students, teachers and school administrators to be aware of bullying and to encourage discussion of the problem as a school community; and

WHEREAS, the School Board of the City of Virginia Beach has a strategic focus on anti-bullying to encourage positive behaviors and to eliminate bullying behaviors; and

WHEREAS, Virginia Beach City Public Schools, through sustained and dedicated efforts, has implemented programs for all employees and students that recognize a deep commitment at all levels to raise awareness of bullying and its prevention.

NOW, THEREFORE, BE IT

RESOLVED: That the School Board of the City of Virginia Beach designates the month October 2018, as Bullying Prevention Month in the Virginia Beach City Public Schools, and be it

FURTHER RESOLVED: That the issue of bullying and its prevention be discussed in Virginia Beach City Public Schools classrooms during this time, and be it

FURTHER RESOLVED: That a copy of this resolution be spread across the official minutes of this Board.

Adopted by the School Board of the City of Virginia Beach this 9th day of October, 2018.

Beverly M. Anderson, School Board Chair

S E A L

Aaron C. Spence, Superintendent

Attest:

Dianne P. Alexander, Clerk of the Board

Subject: _Resolution: Filipino American History Month_____**Item Number:** _11A3_____

Section: __Consent_____ **Date:** October 9, 2018____

Senior Staff: _Kipp D. Roger, Ph.D., Chief Academic Officer, Department of Teaching and Learning_____

Prepared by: LaQuiche R. Parrott, Ed.D., Director of Opportunity and Achievement _____

Presenter(s): LaQuiche R. Parrott, Ed.D., Director of Opportunity and Achievement _____

Recommendation:
That the School Board approve a resolution recognizing Filipino American History Month.

Background Summary:
In November 2009, the United States House of Representatives and the United States Senate passed laws, House Resolution 780 and Senate Resolution 298, respectively, officially recognizing the month of October as Filipino American History Month.

To honor Filipino Americans, Fred Cordova and his wife Dorothy founded the Filipino American National Historical society in 1982 to document and promote Filipino American history through its archives, conferences, books, programs, films and art. In 1991 the FANHS introduced October as Filipino American History Month. Today there are more than 30 chapters in the United States.

The society found it fitting that the month of October be chosen for the celebration. October 18, 1587 is the date of the first recorded presence of Filipinos in the Continental United States. According to historical documents, some "Luzones Indios" came ashore from a Spanish galleon at what is now Morrow Bay, California

The recognition of diversity promotes unity in our school division as well as supports the School Board's strategic plan. In our desire to encourage unity in the Virginia Beach City Public Schools, we hereby recognize this important event which will take place the month of October 2018.

Source:

Public Law 10-343; About Filipino American History website

Budget Impact:

N/A

RESOLUTION FOR FILIPINO AMERICAN HISTORY MONTH
October 2018

WHEREAS, one of our nation's greatest strengths is its vast diversity which enables Americans to see the world from many viewpoints; and

WHEREAS, Filipino Americans are an integral part of that diversity; and

WHEREAS, it is imperative for the good of our nation that schools continue to build awareness and understanding of the contributions made by Filipino Americans; and

WHEREAS, through the study of these contributions, all students may find role models whose participation, commitment and achievement embodies the American spirit and ideals; and

WHEREAS, the School Board of the City of Virginia Beach recognizes the importance of multicultural diversity education within our school division.

NOW, THEREFORE, BE IT

RESOLVED: That the School Board of the City of Virginia Beach officially recognizes the month of October 2018, as Filipino American History Month, whose theme is "Turning Points"; and be it

FURTHER RESOLVED: That the School Board of the City of Virginia Beach encourages all citizens to support and participate in various school activities during Filipino American History Month; and be it

FINALLY RESOLVED: That a copy of this resolution be spread across the official minutes of this Board.

Adopted by the School Board of the City of Virginia Beach this 9th day of October 2018.

_____
Beverly M. Anderson, School Board Chair

SEAL

Attest   _____
Aaron C. Spence, Superintendent

_____
Dianne P. Alexander, Clerk of the Board

English as a Second Language Program (K-12):

Subject: **Evaluation Readiness Report**   **Item Number:** **11B**

Section: **Consent**   **Date:** **October 9, 2018**

Senior Staff: **Marc A. Bergin, Ed.D., Chief of Staff**

Prepared by: **Stephen C. Court, Program Evaluation Specialist**
Heidi L. Janicki, Ph.D., Director of Research and Evaluation
Lisa A. Banicky, Ph.D., Executive Director
Office of Planning, Innovation, and Accountability

Presenter(s): **Stephen C. Court**

Recommendation:

That the School Board approve the English as a Second Language Program Evaluation Readiness Report, including the program goals and objectives and recommended evaluation plan.

Background Summary:

According to School Board Policy 6-26, "Existing programs will be evaluated based on an annual Program Evaluation Schedule which will be developed by the Program Evaluation Committee and approved by the School Board annually." On September 6, 2017, the School Board approved the 2017-2018 Program Evaluation Schedule, in which the English as a Second Language Program was recommended for an evaluation readiness report. Based on the policy, the English as a Second Language Program Evaluation Readiness Report focuses on the outcomes of the readiness process, including the development of measurable goals and objectives and recommended evaluation plan.

Source:

School Board Policy 6-26

School Board Minutes September 6, 2017

Budget Impact:

English as a Second Language (ESL)
Program: *Evaluation Readiness Report*

By Stephen C. Court, Program Evaluation Specialist and
Heidi L. Janicki, Ph.D., Director of Research and Evaluation

September 2018

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Executive Summary

The purpose of this Evaluation Readiness Report is to comply with School Board Policy 6-26. According to the policy, "Existing programs will be evaluated based on an annual Program Evaluation Schedule which will be developed by the Program Evaluation Committee and approved by the School Board annually." On September 6, 2017, the School Board approved the 2017-2018 Program Evaluation Schedule in which the English as a Second Language (ESL) program was recommended for an Evaluation Readiness Report. Based on School Board Policy 6-26, for programs scheduled for an Evaluation Readiness Report, the Office of Planning, Innovation, and Accountability (PIA) will "assist program staff in defining measurable goals and objectives, as well as linkages with activities and outcomes." According to the policy, an Evaluation Readiness Report focusing on the outcomes of this process and recommendations regarding continued evaluation of the program will be presented to the Superintendent and School Board.

Results of the Evaluation Readiness Process

➢ The ESL Evaluation Readiness Committee and staff from PIA's Office of Research and Evaluation met to discuss the evaluation process. Goals and measurable objectives were developed, along with a three-year program evaluation plan.

➢ The first goal is that ESL teachers and classroom teachers participate in professional learning to understand the needs of English learners and collaborate to seek ways to best serve their EL students. Specific objectives include:

- o Having ESL teachers participate in effective professional learning to increase their instructional effectiveness with EL students.
- o Having classroom teachers participate in effective professional learning to increase their understanding of and capacity to teach EL students.
- o Having ESL teachers and classroom teachers collaborate to meet EL students' needs.

➢ The second goal is that ESL program will foster EL students' social and emotional development to support students as they become confident learners who feel part of their school community. Specific objectives include having EL students:

- o Demonstrate confidence through class participation and group collaboration.
- o Participate in athletics, clubs, and other extracurricular activities.
- o Attend school regularly.
- o Report positive relationships with peers, teachers, and administrators.
- o Report a sense of belonging to their school.
- o Report that school is a welcoming place to learn.

➢ The third goal is that the ESL program will be student-centered and provide EL students with a variety of choices and opportunities to help students reach their goals. Specific objectives include having EL students:

- o Receive personalized learning opportunities.
- o Make informed decisions about college, employment, or military service.
- o Enroll in rigorous coursework in middle school and high school.
- o Enroll in academy and other specialized programs.
- o Demonstrate college- and career-readiness skills.

➢ The fourth goal is that EL students will attain English proficiency in listening, speaking, reading, and writing. Specific objectives include having EL students:

- o Make adequate progress each year in English language development.
- o Achieve English proficiency within five years.

o   Graduate from high school on time.

➢ The fifth goal is that the parents of EL students will be provided with supports and services to enable them to support and participate in their child's education. Specific objectives include having the parents of EL students:

o   Receive timely notice of their child's English language progress and status in a manner that they can understand.
o   Attend and express satisfaction with events, programs, and resources.
o   Receive school division communications in a manner that they can understand.

Recommendations and Rationale

Recommendation #1: Begin a three-year evaluation during 2018-2019 focused on evaluating the implementation of the ESL program with a year-one report presented to the School Board in the fall of 2019. *(Responsible Group: Planning, Innovation, and Accountability – Office of Research and Evaluation)*

Rationale: It is proposed that a three-year evaluation of the ESL program commence during 2018-2019. The evaluation will focus on the ESL program's implementation processes and answer questions about how the program operates, including documenting the various curricular models and instructional methods employed when delivering ESL services and supports. A review of evaluation literature during the evaluation readiness process indicated that the success of ESL programs tends to depend less on adhering to a particular model than on factors affecting program quality, including ESL teacher caseload, opportunity for collaboration among the ESL teacher and classroom teachers, and the degree to which division and school leaders make EL students a priority. While the evaluation in 2018-2019 will focus on implementation processes, data for program objectives focused on student outcomes will be collected for baseline purposes.

Recommendation #2: Continue the evaluation of the ESL program during 2019-2020 maintaining the focus on implementation with a year-two report presented to the School Board in the fall of 2020. *(Responsible Group: Planning, Innovation, and Accountability – Office of Research and Evaluation)*

Rationale: It is proposed that the evaluation of the ESL program continue to focus on program implementation processes during its second year. As part of the year-two evaluation, modifications or changes made to the program will be described, and baseline data for student outcome goals and objectives will be collected for a second year. A second year of focusing on program implementation processes will provide an opportunity to address any modifications or changes to the program that occur due to previously planned modifications, changes to federal and/or state regulations, or in response to the year-one evaluation recommendations. Two years of focusing mainly on program implementation will allow for a more complete examination and understanding of the extent and nature of the ESL program's components and processes at all school sites within the Virginia Beach school division. In addition, collecting more than one year of baseline student outcome data prior to evaluating program effectiveness for EL students will enable longitudinal analyses in addition to the cross-sectional analyses that provide "snapshots" at particular times.

Recommendation #3: Conduct the final evaluation of the ESL program during 2020-2021 shifting the focus from implementation to program effectiveness in terms of student outcomes with a year-three comprehensive evaluation report presented to the School Board in the fall of 2021. *(Responsible Group: Planning, Innovation, and Accountability – Office of Research and Evaluation)*

Rationale: Following the two years of focusing on program implementation processes, it is proposed that the evaluation during 2020-2021 shift its emphasis to the more summative purpose of measuring program effectiveness in terms of student outcomes and students' linguistic and academic growth, as well as on the degree to which the program met its goals and objectives. Based on the year-three results, additional evaluation update reports may be recommended to monitor certain outcomes or to provide information about possible adjustments to the ESL program due to changes in federal and/or state regulations or due to program evaluation recommendations. Because one of the student outcome objectives is longitudinal in nature, there may be longitudinal components of the evaluation which will need to be addressed beyond 2020-2021.

Background

Program Description and Purpose

Through its English as a Second Language (ESL) program, Virginia Beach City Public Schools (VBCPS) actively provided ESL services to 1,292 English learner (EL) students in grades K-12 during the 2017-2018 school year. Among them, they speak 59 different languages identified by the Virginia Department of Education (VDOE). The two most common non-English home languages, Spanish and Tagalog, were spoken by 56 percent of the EL students.

Philosophically, the ESL program is based on the premise that success in English language development is critical to success in all other curricular areas as well as future learning. The program's purpose is to prepare English learners to be college and career ready by developing their conversational and academic English language proficiency through integrated content-based language instruction so that the students will have access to the same educational opportunities as all students. The intent is to accomplish this as quickly as possible so that EL students can participate meaningfully in the division's educational program within a reasonable amount of time. The ESL program aligns with all four goals of *Compass to 2020:* (1) High Academic Expectations, (2) Multiple Pathways (Personalized Learning), (3) Social-Emotional Development, and (4) Culture of Growth and Excellence.

More specifically, the ESL program aims to develop the conversational and academic English language proficiency of EL students in listening, speaking, reading, and writing so that they can participate meaningfully in the division's educational program. However, the program's vision, documented on the ESL homepage on the VBCPS.com website, is broader.

Table 1: Belief Statement From ESL Homepage

WE the Virginia Beach City Public Schools English as a second language teachers, believe in English learner student advocacy to ensure students are provided equal access to the same educational opportunities as all students. **WE** believe all English learner students must be held to the same high academic standards as their native English-speaking peers.

WE believe instruction tailored to each learner's English proficiency level and adapted for individual learning needs and styles helps increase English language development and student achievement in core content areas. **WE** believe parents play a critical role in their child's academic and linguistic development by becoming active partners in the education of their child. **WE** believe the mastery of social and standard academic English and the understanding of social and cultural norms allow for access, equity, and social justice. **WE** believe English learner students learn effectively when there exists a confirmation and respect of their cultural richness and linguistic advantages; therefore, we employ teaching practices and instructional strategies that honor, respect, affirm, and build upon the language and culture of each child. **WE** believe in accelerating the acquisition of the English language by building on English learners' backgrounds, cultural experiences and personal goals through content, student-centered practices, community engagement and collaboration to become caring and contributing members of society.

The belief statements lead directly to a vision statement that at the bottom of the homepage states: "The vision of the Virginia Beach City Public Schools English as a Second Language Program is to empower English learners to master social and academic English; to achieve academic success; to accomplish personal goals focused on college and career readiness; and to navigate the diverse local and global communities."

Conceptually, the ESL program in VBCPS is based on the English Language Development (ELD) standards produced by the World-Class Instructional Design and Assessment (WIDA) Consortium. The WIDA Consortium was originally formed in 2003. It consists of 39 U.S. states and territories, including Virginia. Upon joining WIDA in 2008, the Virginia Department of Education (VDOE) provided guidance that the Virginia Standards of Learning (SOL), in conjunction with the WIDA English Language Development standards, should guide the development of a school division's language instruction educational program.[1]

The WIDA Consortium also designs and implements proficiency standards and assessments for grades K-12 students who are English language learners, which must be used by school divisions in Virginia.[2] The three main assessments used in VBCPS are the Kindergarten WIDA-ACCESS Placement Test (K-WAPT) and the WIDA Screener (grades 1 to 12) for identifying EL students and the WIDA ACCESS for ELLs 2.0 for monitoring their English language development in the four domains of the English language: speaking, listening, reading, and writing. Also, the WIDA Consortium provides professional learning to educators, and it conducts research on a variety of topics related to the teaching, learning, and assessment of EL students.

In addition to WIDA, a wide variety of EL-related regulations and policies set forth by both the federal government and VDOE also influence the design and implementation of the ESL program in VBCPS. For example, the U.S. Department of Education (USED) issued the following guidance in September 2016 to update previous language from the No Child Left Behind (NCLB) Act: "Under the Every Student Succeeds Act (ESSA), states must annually assess the English language proficiency of ELs."[3] In turn, VDOE mandated that local education agencies, including VBCPS, would use the WIDA ACCESS for this purpose.[4] In other words, the amount of local discretion that VBCPS can exercise with respect to assessment is limited by federal and Virginia policy, regulation, and guidance, as well as by WIDA philosophy, procedure, and practice. Nonetheless, VBCPS retains significant choice in how its ESL program is prioritized and implemented.

Instructionally, a blended model ("pull-out" and "push in") was used at the elementary schools. Generally, a "pull-out" model was used with EL students who were newcomers and/or whose slower rate of English language progress indicated the advisability of providing focused and concentrated individual or small group instruction. At elementary schools, ESL teachers provided "sheltered" science instruction in small group settings when "pulling out" EL students. Sheltered instruction generally involved previewing the science material and academic vocabulary with students before the material was introduced in the classroom by the classroom teacher. When implementing a "push in" model with their EL students, the ESL teachers supported the classroom teachers' instruction in the elementary content areas.

At the middle school level, the ESL teachers sheltered

English core instruction through an elective bell in a "pull out" model. Students in the high school ESL program received instruction on the *essential understandings* (big ideas) and *critical vocabulary* in English, reading, and social studies courses. At the high school level, the purpose of sheltered instruction in the content areas is to assist the EL students in transitioning to the actual credit-bearing courses.

The "pull out" approach tended to predominate in VBCPS during 2017-2018 at all three school levels. According to ESL program descriptions for the three levels, the "pull out" approach to providing sheltered instruction generally follows a formal model known as the Sheltered Instruction Observation Protocol (SIOP).[5]

At the high school level, 196 students received ESL services. A total of 77 students were served in place at four high schools by two ESL teachers through a model intended to provide ESL instruction in home high schools. The other 119 high school students spent half of each school day attending English language classes at the ESL Student Center, located in the division's Technical and Career Education Center (TCE). There, they received English language development instruction and support from one full-time ESL teacher as well as from another ESL teacher assigned to the TCE for part of the day. Students who attended the morning session were transported back to their home schools for the afternoon. Those students assigned to the afternoon session were transported home after school. Another 46 high school students did not receive ESL services during the 2017-2018 school year because their parents opted out of services. The decision to opt out of services was mainly related to parents wanting their children to graduate on time by accruing course credits in academic classes essential for high school graduation that could not be accrued at the TCE.[6] In addition, students participating at the TCE would need to be away from their home high schools for half of each school day.[7] This was part of the reason for implementing the model that provided ESL services at the four home high schools during 2016-2017 and 2017-2018.

During the 2017-2018 school year, the ESL program was staffed with 28 full-time and 2 part-time ESL teachers based on a staff assignment list from the Department of Teaching and Learning. Of the 30 teachers, 29 were itinerant – that is, they traveled between two or more schools. They were assigned to combinations of elementary, middle, and/or high school sites. Depending on their assignment, teachers

served from two schools to five schools, spending time at each location over the course of the week. Across the division, the caseloads of ESL teachers differed. These numbers were subject to continuous fluctuation throughout the year. In total, the ESL program served 1,292 EL students during the 2017-2018 school year.

Literature Review

To help prepare the proposal presented in this Evaluation Readiness Report, the Office of Research and Evaluation (ORE) conducted a review of the literature. The review mainly covered (a) federal, state, and local policy guidance and documentation and (b) research studies and formal evaluations of EL programs elsewhere. It focused on several EL-related topics, including instructional models and methods for both English language development and content area instruction; procedures for identifying, assessing, and monitoring the linguistic, academic, and social needs and progress of English learners; and best practices for supporting special categories of English learners, such as newcomers, Students with Limited or Interrupted Formal Education (SLIFE), and Long-Term English Learners (LTEL). The literature review also examined local guidance provided on the ESL section of the VBCPS website - including the English Learner Team Handbooks, which set forth the provisions and procedures to be followed by VBCPS schools.[8]

The literature review yielded several findings. First, it confirmed that the broad scope of VBCPS's ESL program described in the previous section aligns with research into best practice. For example, based on a careful analysis of WIDA data, Cook, Boals, and Lundberg (2011) found that "Reaching language proficiency takes time and requires attention to students' linguistic, cultural, and academic needs."[9] Similarly, an ESL handbook from Fairfax County notes that successful ESL programs deliver more than just English language instruction. Rather, they provide cohesive, sustained systems of support for English language development, academic achievement, and socio-emotional learning, as well as encouraging parental involvement at school.[10]

A second finding from the literature review was that a wide variety of critical factors might affect the success of an ESL program either positively or negatively.

o The success of ESL programs depends on the degree to which division and school leaders make EL students a priority.[11]
o The ESL staffing levels, for example, tend to influence the effectiveness of an ESL program.[12]

o The ESL-related professional learning for not only ESL teachers but also general education teachers and school administrators is integral to the success of an ESL program, as are the quality and frequency of the professional learning.[13,14]
o The degree to which ESL teachers plan and coordinate with other school staff is also critical to the success of ESL programs.[15]
o The degree to which ESL instruction and interventions are effective depends more on the quality of their implementation than on the choice of particular instruction and intervention models.[16]

A third important finding is that there is a gap between policy prescription and empirical reality. In practice, few public school districts meet expectations or engage fully in the best practices set forth in EL policy guidance by the federal government, their state education agency, or a variety of ESL-related professional organizations and advocacy groups. For example, *Education Week* reported in a 2016 article that researchers at Education Northwest found that only half of the EL students entering kindergarten in Washington state reached proficiency in 3.8 years, but, worse, 18 percent of the students still were not proficient within eight years.[17] The study found that timelines varied significantly by the English level students had upon entering kindergarten, and also by their home language.[18]

A fourth important finding is that years of both empirical research and policy analysis have yielded little consensus with respect to whether particular curricular models and instructional methods are more effective than other models. Much of the research into best practices demonstrates that how well a model is implemented is more influential on the efficacy of an ESL program than the type of model chosen.[19] Common elements of successful ESL programs include professional learning opportunities for both ESL and content-area teachers, as well as ample opportunity for ESL and classroom teachers to plan and collaborate within and across grade levels.

A fifth important finding is that it is essential for policy makers and all other ESL program stakeholders to distinguish Basic Interpersonal Communicative Skills (BICS) from Cognitive Academic Language Proficiency (CALP). The term BICS refers mainly to social discourse, which involves listening and speaking. In contrast, CALP refers to academic language, which involves the more formal sentence structure and technical vocabulary important to classroom learning. Academic language is generally abstract, context

reduced, and specialized. In addition to acquiring academic language, many ELs need to develop effective study habits, as well as higher-order thinking skills such as comparing, classifying, analyzing, synthesizing, evaluating, and inferring. Linguistically and cognitively, CALP involves reading and writing skills at least as much as it involves listening and speaking. For most if not all EL students, acquiring BICS and attaining conversational and social proficiency occurs more easily and quickly than acquiring CALP.

Yet another important finding is that EL students attain proficiency in conversational and academic English at different rates. According to a study conducted by Hakuta, et al., (2000)[20] at Stanford University and corroborated by several subsequent studies (e.g., Cook, et al, 2008)[21], the average EL student develops oral English proficiency for social purposes in three to five years and academic English proficiency in four to seven years. The general expectation is that EL students will progress, on average, about one WIDA ACCESS level per year. However, the average represents very few individual EL students. Some EL students attain conversational and academic proficiency in less time while others need more time. Three of the more prevalent factors that influence expected time to English language proficiency are age, starting point, and prior academic exposure. Younger elementary students tend to learn English more rapidly than high school students.[22] Students who begin with at least some English tend to attain English proficiency faster than those who begin their U.S. schooling with no English whatsoever.[23] Similarly, students who regularly attended school before arriving in the U.S. tend to learn English more rapidly than students whose attendance in a VBCPS school is the first academic exposure that they have experienced.

A final finding arose from comparing the VDOE proficiency criteria with the criteria used in other WIDA states that use the ACCESS assessment. The English language proficiency criteria for several WIDA states, including Virginia, are set forth in Table 2.

Table 2: Comparison of English Language Proficiency ACCESS Criteria

State	Overall Composite Level*	Language Domain Level
Virginia	4.4	-
Minnesota	4.5	3 of 4 domain levels at or above 3.5
Georgia	4.3	All four domain levels at or above 4.3
Massachusetts	4.2	Literacy (Reading and Writing) at or above 3.9
District of Columbia	5.0	-
Maine	5.0	-
New Mexico	5.0	-
Illinois	4.8	-
Pennsylvania (Gr. 1-5)	4.6	Recommendation from the ESL teacher OR Recommendation from two content area teachers OR A writing sample that demonstrates proficiency at the Expanding level and speaking at the Bridging level
Pennsylvania (Gr. 6-8)	4.7	
Pennsylvania (Gr. 9-12)	4.8	
New Jersey	4.5	-

* Reflects ACCESS scores rescaled in 2017.

Table 2 indicates that Virginia's English language proficiency criteria are lower than several other WIDA states. To be considered proficient, a student in Virginia must reach an overall ACCESS performance level of 4.4 or higher, which is in the range of minimal proficiency. Fluency is represented by a performance level of 6.0.

The overall proficiency level represents a composite of each student's ACCESS listening, speaking, reading, and writing scores. As a consequence, the overall composite score is compensatory in nature. Without adjustment, a high listening level, for example, would raise the overall composite level, thus compensating for a low reading level. To adjust for this intrinsic issue when arriving at the overall performance level, the WIDA Consortium weights the relevant language

domains and then adds them together. The weighting scheme is presented in Table 3.

Table 3: Contributions of Language Domains to Overall Score by Percent

Score	Listening	Speaking	Reading	Writing
Overall	15%	15%	35%	35%

Despite the weighting, the overall performance level may still allow for one or more of a student's domain levels to be below proficient. To further reduce disparities and ensure that students have an opportunity to succeed academically, some of the states in Table 2 have set additional exit criteria. Georgia, for example, requires that a student must at least be at level 4.3 in all four language domains. As another example, Pennsylvania requires a writing sample that demonstrates proficiency at WIDA's Expanding level, which is equivalent to an ACCESS performance level of at least 4.0. The WIDA performance levels for receptive language (a composite of listening and reading) are provided in Appendix A. The WIDA performance levels for expressive language (a composite of speaking and writing) are provided in Appendix B.

Exactly where the cut point is set for proficiency on the ACCESS test is an issue with consequences for schools and divisions, as well as for individual students. As pointed out by the federal government, "Exiting EL students either too soon or too late raises civil rights concerns. The EL students who are exited too soon are denied access to EL services while EL students who are exited too late may be denied access to parts of the general curriculum. Denied or delayed access to the general curriculum can impede academic growth and contribute to a higher risk of dropping out of school."[24] Further, reclassifying a student as English proficient changes several aspects of students' educational environment. Especially at the high school level, reclassification has the potential to enable students to follow educational pathways that give them access to resources that better prepare them for postsecondary education. On the other hand, exiting EL status often eliminates access to instructional accommodations and supports tailored to promote these students' success.[25] Because VDOE has the latitude to increase the rigor of the ESL exit criteria for Virginia, the issue is actionable, inasmuch as school divisions can individually or jointly lobby for the criteria to be revised.

Selection and Approval of Programs for Evaluation

The ESL program was selected and approved for the Program Evaluation Schedule based on criteria specified in School Board Policy 6-26, adopted by the School Board on September 5, 2007. The following excerpt is from School Board Policy 6-26:

Existing programs will be evaluated based on an annual Program Evaluation Schedule which will be developed by the Program Evaluation Committee and approved by the School Board annually….On a yearly basis, the Program Evaluation Committee will present a list of programs recommended for evaluation to the Superintendent and the School Board. This listing will include the rationale for each recommendation based on an approved set of criteria. All programs will be prioritized for evaluation based on the following factors:

1. Alignment with the school division's strategic plan and School Board goals;
2. Program cost;
3. Program scale;
4. Cross-departmental interest;
5. Community/stakeholder interest in the program;
6. Availability of information on the program's effectiveness; and
7. Date of most recent evaluation.

On July 13, 2017, members of the Program Evaluation Committee reviewed and ranked a list of existing educational programs based on the criteria above. Rankings were compiled and shared with the committee at the meeting, and programs to be recommended for evaluation were determined. The ESL program was recommended for inclusion on the Program Evaluation Schedule primarily due to its potential to have a large, positive impact on VBCPS reaching its goals, as well as to the lack of formal evaluation by the Office of Research and Evaluation. It was determined that the ESL program would be scheduled for an Evaluation Readiness Report in order to define measurable goals and objectives and to develop an evaluation plan. The proposed Program Evaluation Schedule was presented to the School Board on August 15, 2017. The School Board approved the 2017-2018 Program Evaluation Schedule on September 6, 2017.

Overview of Current Goals and Objectives

The ESL program's homepage on the division's Intranet site begins with seven belief statements and ends with a vision statement (see page 8 of this report for each statement). For example, the second belief statement reads: "We believe all English learner students must be held to the same high academic standards as their native English-speaking peers." While the belief statements highlighted general expectations for the program, no goals were explicitly articulated, and no measurable objectives were identified.

The next section of the report describes the process undertaken to articulate goals and specify measurable objectives for the ESL program. In formulating the goals and objectives, the intent was to honor the program's belief and vision statements on the webpage while also identifying critical program components and indicators of their effective implementation and successful outcomes.

Process for Developing Revised Goals and Objectives

According to School Board Policy 6-26, for programs selected for an Evaluation Readiness Report, ORE evaluators will "assist program staff in defining measurable goals and objectives, as well as linkages with activities and outcomes. An Evaluation Readiness Report focusing on the outcomes of this process and baseline data (if available) will be presented to the Superintendent and School Board…." The process to complete an Evaluation Readiness Report began during the 2017-2018 school year with a review of existing documentation about the ESL program (history, purpose, and available goals) by ORE evaluators. In addition, the best practices literature and other evaluations of ESL programs were reviewed.

An initial planning meeting was held on January 29, 2018 with the executive director of the Office of Elementary Teaching and Learning (T&L) and the ORE evaluators. The meeting involved discussion of the evaluation readiness process, the need for and composition of the Evaluation Readiness Committee, and the surveys that would be developed and administered during the evaluation readiness process to provide baseline measures. A second planning meeting, which included the ESL program coordinator, was held

on March 12, 2018. During the meeting, the T&L staff members mainly answered questions about the program and reviewed survey items. Another meeting between T&L and ORE was held on April 26, 2018 to discuss potential program goals and objectives in advance of the full ESL Evaluation Readiness Committee meeting.

The meeting of the Evaluation Readiness Committee convened at Laskin Road Annex on May 1, 2018. The committee was large, consisting of 22 ESL and classroom teachers, administrators and school counselors from schools with relatively large ESL populations, executive directors from the departments of Teaching and Learning and School Leadership, as well as the ESL program coordinator. Three staff members from ORE facilitated collaborative discussion at various times during the meeting. The committee members were spread around the room with no more than five members seated at a particular table.

At the start of the meeting, participants introduced themselves to the whole group, explaining how they were involved with the program. The committee members were then asked to review a summary of the available information regarding the ESL program's background and purpose. They then brainstormed with the other people at their table to identify additional program elements that would provide a more complete and accurate picture of the ESL program. During this and subsequent discussion periods, the three ORE evaluators visited tables to answer questions, as well as to acquire a sense of each discussion.

After ORE's director differentiated goals from objectives for the purposes of the discussion, the remainder of the meeting was devoted to identifying concepts to be included in the goals and measurable objectives for the ESL program. First, the committee members brainstormed responses to a goal-related question: "If the ESL program were successful, in general, what would success look like?" The committee members individually jotted ideas onto post-it notes, one idea per post-it note, and discussed their ideas with their groups. After approximately ten minutes, a spokesperson from each table shared the group's ideas with the larger group, whereupon one of the ORE evaluators served as a scribe, writing general concepts and goal areas onto large sheets of paper.

To define measurable objectives, a second question was then asked: "If the ESL program were successful, what specific outcomes would be expected?" The same process of brainstorming ideas onto separate post-it

notes was employed. After approximately ten minutes, a spokesperson from each table shared the group's ideas with the larger group, and an ORE scribe wrote the ideas onto the appropriate sheets of paper.

After the meeting, the ORE evaluators formulated 5 goals and 20 measurable objectives. The goals and objectives, as well as how each was worded, reflected not only the Evaluation Readiness Committee proceedings but also several related documents. These included the previously mentioned belief and vision statements on the ESL webpage, as well as guidance from the U.S. Department of Education, the Virginia Department of Education, and a variety of sources from other state and local education agencies.

Once formulated, a draft of the goals and objectives was distributed to members of the Evaluation Readiness Committee for review, including the ESL program coordinator, as well as to leadership in T&L and PIA. The feedback received led to minor wording changes and to an adjustment of one objective involving academic performance in content areas which was revised to become an evaluation question.

Revised Goals and Objectives

As a result of the evaluation readiness process, 5 goals and 20 objectives were developed. These focused on professional learning for staff; EL students' social and emotional development; choices and opportunities available to EL students; EL students' development of English language proficiency; and providing the parents of EL students with the supports and services they needed to participate in their child's education.

Goal 1: ESL teachers and classroom teachers participate in professional learning to understand the needs of English learners and collaborate to seek ways to best serve their EL students.

Objective 1: ESL teachers participate in professional learning to increase their instructional effectiveness with EL students and report that it was effective as measured by ESL teacher and administrator survey responses.

Objective 2: Classroom teachers participate in professional learning to increase their understanding of and capacity to teach EL students and report that it was effective as measured by teacher and administrator survey responses.

Objective 3: ESL teachers and classroom teachers collaborate to meet the needs of EL students as measured by staff survey responses.

Goal 2: The ESL program will foster EL students' social and emotional development to support students as they become confident learners who feel part of their school community.

Objective 1: EL students demonstrate confidence by participating in class and collaborating during group work as measured by student and staff survey responses.

Objective 2: EL students participate in athletics, clubs, and other extracurricular activities as measured by student survey responses.

Objective 3: EL students consistently attend school as measured by the percentage of students who are absent less than 10 percent of the school year (i.e., not chronically absent) and by the percentage who have fewer than six unexcused/unverified absences.

Objective 4: EL students report positive relationships with peers, teachers, and administrators as measured by student survey responses.

Objective 5: EL students report a sense of belonging to their school as measured by student survey responses.

Objective 6: EL students and their parents report that their school is a welcoming place to learn as measured by student and parent survey responses.

Goal 3: The ESL program will be student-centered and provide EL students with a variety of choices and opportunities to help students reach their goals.

Objective 1: EL students report that they were provided with personalized learning opportunities as measured by student survey responses.

Objective 2: EL students report that the academic/career planning process helped them to make informed decisions about college, employment, or military service as measured by student survey responses.

Objective 3: EL students in middle school and high school enroll in rigorous coursework as measured by

the percentage of students enrolled in advanced or honors courses.

Objective 4: EL students have opportunities to enroll in academy programs, the Advanced Technology Center, and the Technical and Career Education Center as measured by the percentage of EL students enrolled in each of these programs.

Objective 5: EL students will demonstrate college- and career-readiness skills as measured by the percentage of students who earn industry certification, the percentage who complete a technical and career education program, and the percentage meeting college-readiness benchmarks on the SAT.

Goal 4: EL students will attain English proficiency in listening, speaking, reading, and writing.

Objective 1: EL students will make adequate progress in English language development as measured by the percentage of students who demonstrate the required composite proficiency level gains on the ACCESS assessment as defined by the VDOE depending on the students' previous year's proficiency level and current grade level.[26]

Objective 2: EL students achieve English proficiency within five years,[27] as measured by the percentage of students attaining an ACCESS composite proficiency level score of 4.4 or higher.[28]

Objective 3: EL students will graduate from high school on time as measured by the Virginia Department of Education (VDOE) on-time graduation rate.

Goal 5: The parents of EL students will be provided with supports and services to enable them to support and participate in their child's education.

Objective 1: The parents of EL students receive timely notice of their child's English language and academic progress and status in a form and manner that they can understand as measured by parent and staff survey responses.

Objective 2: Parents of EL students attend and express satisfaction with events, programs, and resources provided for parents to support students as measured by parent survey responses.

Objective 3: Parents of EL students receive school division communications in a form and manner that they can understand as measured by parent survey responses.

The progress made toward meeting the goals and objectives based on student outcome data will involve looking at three groups of EL students where possible: those with and without limited or interrupted formal education (SLIFE and non-SLIFE) and students who have exited the program after attaining English proficiency. The division as a whole and a matched group of similar non-EL students will serve as reference groups where feasible.

Baseline Data

Number of Students Served and Characteristics

While data for the program objectives and evaluation questions will be collected in 2018-2019 as part of the proposed evaluation, this section provides baseline data regarding the EL student population in VBCPS during the 2017-2018 school year. Where appropriate, VBCPS totals are provided as comparative reference. Table 4 displays the numbers and percentages of the EL students who received ESL services or were in monitoring status during 2017-2018 by school level.

Table 4: Number and Percentages of Students Receiving ESL Services or in Monitor Status

School Level	EL Number	EL Percent of All ELs	EL Percent of All VBCPS	VBCPS Student Total*
Elementary	879	68.0	2.7	32,150
Middle	217	16.8	1.3	16,447
High	196	15.2	0.9	21,527
Total	1,292	100.0	1.8	70,124

* Excludes Pre-K students who are not served in VBCPS.

Table 4 indicates that approximately 68 percent (879 of 1,292) of the 2017-2018 ELs receiving ESL services or in monitor status were elementary students. The remainder were about evenly distributed in middle school and high school. Overall, as a percentage of the entire VBCPS student population, all ELs accounted for less than 2 percent. The 1,292 EL students spoke 59 different languages or distinct dialects identified by VDOE. Table 5 displays the demographic characteristics of the students.

Table 5: Demographic Characteristics of EL Students in 2017-2018

Student Characteristic	Number of EL Students	Percent of EL Students (N=1,292)	Percent of VBCPS (N=70,124)
Female	578	44.7	48.6
Male	714	55.3	51.4
African American	41	3.2	23.9
American Indian/Alaskan Native	3	< 1.0	< 1.0
Asian	362	28.0	6.0
Caucasian	242	18.7	48.4
Hispanic	619	47.9	11.4
Native Hawaiian/Pacific Islander	8	< 1.0	< 1.0
Two or More Races	17	1.3	9.5
Economically Disadvantaged	706	54.6	38.2
Special Education	88	6.8	10.6
Gifted	51	3.9	16.3
Military/Government Connected	210	16.3	23.4

Table 5 indicates that the EL student population in 2017-2018 consisted of considerably higher percentages of Asian, Hispanic, and economically disadvantaged students than the division overall. Conversely, the EL population had considerably lower percentages of African American, Caucasian, and gifted students than the division as a whole.

Special Categories of EL Students

Under current federal and state accountability policy, English learners are placed into a single subgroup, with the implication that they are a homogeneous group with similar needs and rates of growth. However, as mentioned previously, the EL population is actually quite diverse, and the EL students in VBCPS are no exception. The EL students differ in age and demographics, as well as geographically, culturally, and linguistically. However, their experiences before entering a Virginia Beach school can also be quite different. For example, English learners who enter school with little to no formal schooling are known as SLIFE (Students with Limited or Interrupted Formal Education). They must not only learn English and adapt to local culture but also catch up as quickly as possible with respect to acclimating to school culture

and to acquiring academic content. Many SLIFE may have been refugees and thus may also need to overcome psychological trauma. As a consequence, SLIFE are more likely than non-SLIFE ELs to become LTELs (Long-Term English Learners).[29]

Precise definitions for LTEL students vary across states and school districts. Generally, an LTEL is an EL who has been enrolled in a U.S. school for six years or more but has not yet been reclassified as proficient in English.[30] Not only are LTELs growing in number across the U.S., but they also tend to have the poorest academic outcomes. For example, a recent study of ELs in Arizona found that LTEL students had the lowest observed graduation rate at 49 percent, compared to new EL students at 52 percent, recently proficient former EL students at 67 percent, and never English learner students at 85 percent.[31] In an article cited in the U.S. Department of Education's English Learner Tool Kit, Mencken, et al, argue that programming for LTELs, especially in high school, must be distinctive, and they offer policy and practice recommendations.[32]

Under the *Every Student Succeeds Act* (ESSA), the latest revision of the Federal Elementary and Secondary Education Act, states and districts are required to report on the percentage of students who have been identified as LTEL students, as measured by students who have maintained the EL classification for five or more years (ESSA, Section 3121 (a) (6)).[33] States are also required to report on the academic progress of LTEL students.[34] These policies highlight the need to identify high-quality programs and practices that support LTEL students' academic progress and the need to provide educators with knowledge and training to effectively implement those programs and practices.

In addition to SLIFE, LTEL, and regular EL students, former EL students constitute another category of EL student. Former EL students are those students who have been classified as having attained or exceeded the proficient level of English language development according to their score on the WIDA ACCESS test. Given six WIDA performance levels, Virginia has set the proficiency cut point at 4.4.[35] An EL student who earns a score of 4.4 or higher is monitored informally for two years to ensure that his or her performance level remains above 4.4. During this period, depending on individual needs and circumstances, some EL students may continue to receive ESL services. Others are merely monitored to ensure that they continue to make progress. It is important to remember that the WIDA performance levels reflect only English

language development, not academic learning in the content areas.

Yet another special category of ELs consists of students who are eligible for ESL services but whose parents refuse them. Although they are relatively few in number, the 60 EL students (approximately 4%) who opted out of ESL services still require attention. Their academic progress must be formally monitored, which requires each student's regular teachers to complete a detailed form on a quarterly basis, which is a task that the ESL teacher assigned to a particular school coordinates. In addition, the ESL teacher must also administer the WIDA ACCESS test to opt-out students. Further, the opt-out students must be offered alternative services (i.e., PALS, study blocks supporting ELs in the content areas, READ 180, System 44, Effective Reading Skills, services with a reading/math specialist, etc.).[36] Although it is beyond the scope of this Evaluation Readiness Report to discuss the varied reasons why parents may refuse ESL services for their eligible students, EL opt-outs not receiving ESL services may serve as a comparison group against which to reference the status and progress of EL students who are receiving ESL services.

Baseline Survey Results

At the request of the Department of Teaching and Learning, of which the ESL program is a part, surveys regarding the ESL program were administered from April 30 to May 11, 2018 to ESL teachers, classroom teachers, and school administrators to collect baseline data for the evaluation process and to inform planning for program implementation during the 2018-2019 school year. Of those invited to participate in a survey, responses were received from 66 percent of the ESL teachers, 55 percent of the school administrators, and 28 percent of the classroom teachers. Selected survey results are included here to provide a baseline overview of how ESL personnel and school staff perceive the program in key areas of ESL program evaluations.

Identification of EL Students

When asked if they understood the steps in the identification process, high percentages of the ESL teachers and the administrators agreed that they did, as indicated in Figure 1. The classroom teachers were not asked to respond to this survey item.

Figure 1: Staff Perceptions of EL Identification and Placement
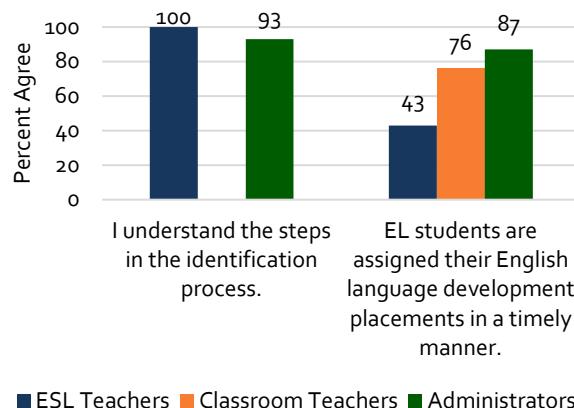
The survey respondents were also asked if EL students were assigned their English language development placements in a timely manner. The second set of bars in Figure 1 indicates that the agreement rate of the ESL teachers was markedly lower than those of the classroom teachers and the administrators.

Student Assessment and Status

The ESL teachers and administrators were asked about using assessment results to monitor the progress of EL students. As Figure 2 indicates, 90 percent or more of the respondents agreed that ESL teachers do this.

**Figure 2: Staff Perceptions of EL Assessment Processes**
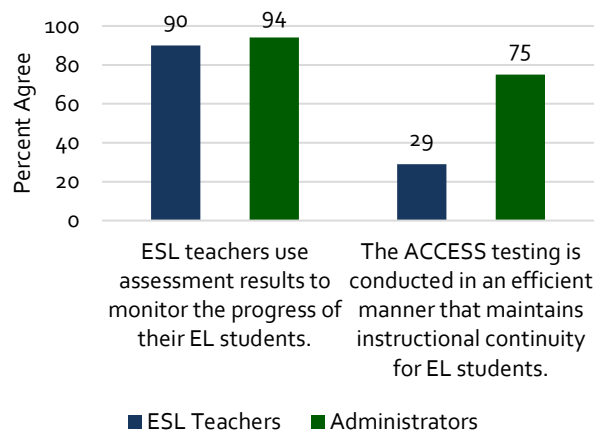
The ESL teachers and administrators were also asked if annual ACCESS testing was conducted in an efficient manner that maintains instructional continuity for the EL students. The second set of bars in Figure 2 shows a large disparity between the agreement rates of the ESL teachers and the administrators, with less than one third of ESL teachers agreeing that the ACCESS testing process maintains instructional continuity for students.

Frequency of ESL Instruction

All three respondent groups – the ESL teachers, the classroom teachers, and the administrators – were asked if the ESL teacher is able to teach the EL students frequently enough for the instruction to be effective. Figure 3 indicates that the agreement rates of the classroom teachers and administrators were higher than those of the ESL teachers.

Figure 3: Staff Perceptions of ESL Instructional Frequency
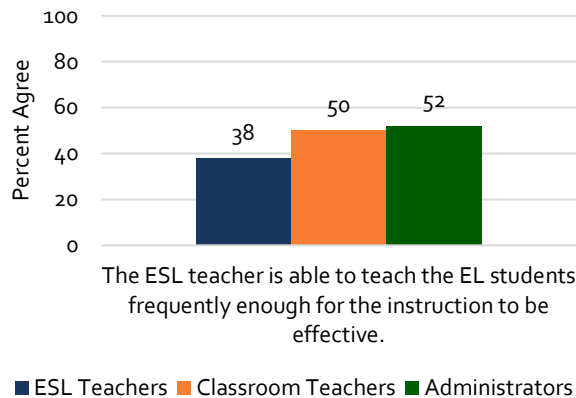
Whereas only 38 percent of the ESL teachers agreed that they are able to teach their EL students frequently enough for their instruction to be effective, 90 percent of the ESL teachers agreed that they provide instruction to EL students that effectively integrates listening, speaking, reading, and writing in English.

Professional Learning

The ESL teachers and classroom teachers were asked a series of questions regarding the professional learning that they had received over a three-year period ending in 2017-2018. More specifically, the survey item asked the degree to which they agreed that the professional learning had increased their capabilities in the four areas displayed in Figure 4.

Figure 4: Staff Perceptions of Professional Learning Focus Areas
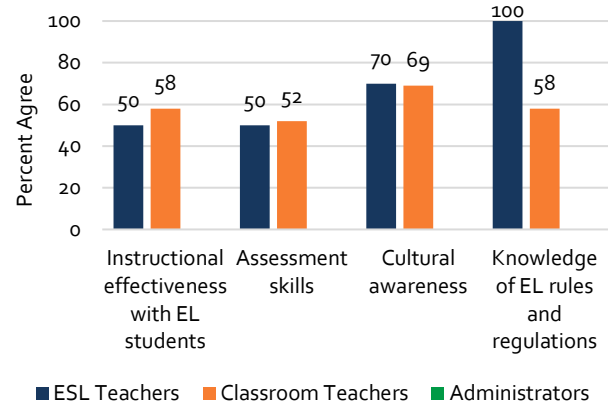
Figure 4 shows that the agreement rates of the classroom teachers ranged from a low of 52 percent regarding their agreement that professional learning had increased their assessment skills to 69 percent agreeing that professional learning had increased their cultural awareness. One half of the ESL teachers agreed that the professional learning increased their instructional effectiveness and assessment skills, and 70 percent agreed that it had increased their cultural awareness. In contrast, 100 percent of ESL teachers agreed that their professional learning had increased their knowledge of EL-related rules and regulations.

A summary survey item related to professional learning asked both the ESL teachers and the classroom teachers whether the professional learning they received over the last three years enabled them generally to meet the needs of their EL students. In response, 60 percent of the ESL teachers and 45 percent of the classroom teachers agreed that the professional learning had enabled them to meet the needs of their EL students.

Collaboration

All three groups of respondents were asked the degree to which ESL and content area/classroom teachers collaborate and plan together. Figure 5 shows the low rates of agreements among all three groups as well as the discrepancy between ESL teachers' perceptions and classroom teachers' and administrators' perceptions.

Figure 5: Staff Perceptions of Effective Collaboration and Planning Between ESL and Classroom Teachers

ESL teachers effectively collaborate and plan with content-area/classroom teachers.

■ ESL Teachers ■ Classroom Teachers ■ Administrators
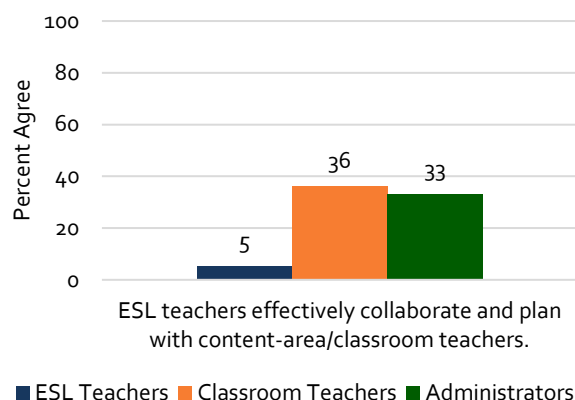
Communication With EL Families

All three respondent groups were asked a series of questions regarding communication with EL families and their integration into the school community. Figure 6 shows that similar to the patterns shown in several of the other figures, ESL teachers had the lowest rates of agreement and the administrators had the highest rates of agreement.

Figure 6: Staff Perceptions of Communication With EL Families and Integration of EL Students

■ ESL Teachers ■ Classroom Teachers ■ Administrators
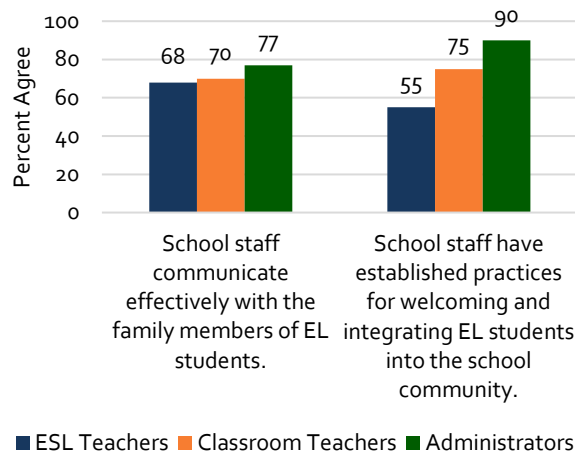
From 68 to 77 percent of respondent groups agreed that the school staff communicated effectively with the family members of EL students. Agreement that the school staff had practices for welcoming and integrating EL students varied by up to 35 percentage points, with 55 percent of ESL teachers agreeing, 75 percent of classroom teachers agreeing, and 90 percent of administrators agreeing that practices were in place.

General Perceptions

Figure 7 displays the results for two general questions regarding the sufficiency of ESL services provided to EL students. The response options of both survey items involved a "Yes" or "No" choice rather than a four-option scale ranging from "Strongly Agree" to "Strongly Disagree."

Figure 7: Staff Perceptions of ESL Services' Adequacy and Duration

■ ESL Teachers ■ Classroom Teachers ■ Administrators
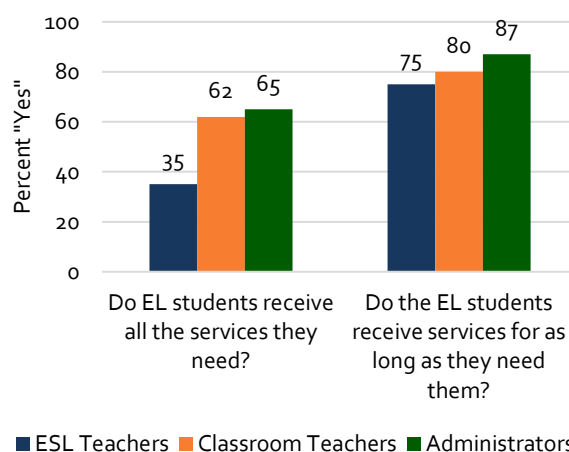
When asked if EL students receive all the services they need, 35 percent of the ESL teachers selected the "Yes" option compared with 62 percent of the classroom teachers and 65 percent of the administrators. When asked if the EL students receive services for as long as they need them, higher percentages of all three respondent groups indicated that they do. The "Yes" option was selected by 75 percent of the ESL teachers, 80 percent of the classroom teachers, and 87 percent of the administrators.

Satisfaction

The ESL teachers, classroom teachers, and administrators were asked to indicate how satisfied they were with their experience with the ESL program during 2017-2018. Figure 8 presents the percentages of respondents who felt "Satisfied" or "Very Satisfied."

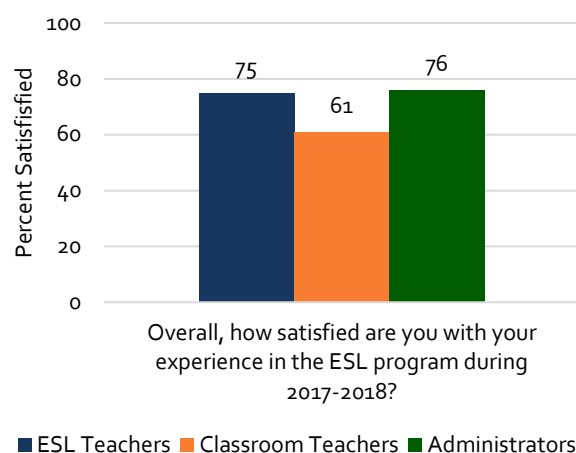**Figure 8: Percent of Staff Members Indicating Satisfaction With the ESL Program**

Bar chart titled "Overall, how satisfied are you with your experience in the ESL program during 2017-2018?" with y-axis "Percent Satisfisfied" ranging from 0 to 100.
- ESL Teachers: 75
- Classroom Teachers: 61
- Administrators: 76

Legend: ESL Teachers, Classroom Teachers, Administrators

Figure 8 indicates that the percentage of ESL teachers (75%) and administrators (76%) who reported being satisfied were similar. The percentage of classroom teachers who reported being satisfied with the ESL program was somewhat lower at 61 percent.

In summary, the 2017-2018 baseline survey results begin to identify aspects of the program that appear to be strengths and those that warrant further attention. Rates of agreement were generally high that staff members understood the steps in the process for identifying EL students and that ESL teachers use assessment results to monitor the progress of their students. Rates of agreement were lower, for example, with respect to ESL instruction occurring with sufficient frequency to be effective, as well as with respect to ESL and classroom teachers effectively collaborating and planning together.

Evaluation Plan and Recommendation

According to School Board Policy 6-26, an Evaluation Readiness Report will focus on the outcomes of the evaluation readiness process and "will be presented to the Superintendent and School Board with a recommendation regarding future evaluation plans for the program." In accordance with this policy, a three-year evaluation of the ESL program is recommended and the proposed plan of action for the evaluation is described in the next section.

Scope and Rationale of the Proposed Evaluation

In addition to conducting its own review of the literature related to ESL programs, ORE commissioned Hanover Research to produce a report for VBCPS entitled *Best Practices for ESL Program Evaluation.* The Hanover report provided detailed summaries of key performance indicators and data elements useful to evaluating ESL program impact. These were associated with focusing the evaluation on important program components, including student identification, student achievement and progress monitoring, and instructional services. The Hanover report also discussed a variety of evaluation designs and methods – for example, regression discontinuity design and propensity score matching methods. Further, the report included profiles of how three school districts had recently evaluated their own ESL programs. The information in the Hanover report provided external confirmation that ORE's planned approach to designing and conducting the ESL comprehensive evaluation is aligned with best practices.

The ESL evaluation will initially be formative in nature, gathering information to inform program development and improvement. Accordingly, the first two years of the evaluation – 2018-2019 and 2019-2020 – will focus mainly on the ESL program's implementation processes. This is advisable because of changes in federal and state requirements under ESSA, as well as operational changes in the program. For example, sheltered instruction focused on science in elementary pull-out sessions during 2017-2018. However, starting in 2018-2019, EL students are clustered in a teacher's classroom on a grade level, and the ESL teacher will support the teacher's instruction within that classroom. This will reduce the amount of sheltered pull-out instruction in 2018-2019. Another example of an operational change involves the assignment of ESL teachers to different schools within a school level rather than across school levels. For example, an ESL teacher who was assigned in 2017-2018 to one elementary school and one middle school is assigned in 2018-2019 to three other elementary schools and no middle schools. Therefore, during the first two years of the evaluation, data collection and analyses will focus on implementation processes. Student outcome data will also be collected and analyzed but will be presented as baseline data. In its third year, the evaluation will continue to address the program's implementation but will also introduce the more summative purpose of determining the effectiveness of the program in

relation to meeting its student outcome goals and objectives.

More specifically, each year the evaluation will provide information on five areas related to the ESL program.

1. **Program Components and Operational Processes**

   ➢ Rationale: It is standard practice within an evaluation framework to examine issues related to components and operational processes related to the program, especially changes to the program during the evaluation period.

2. **Characteristics of ESL participants**

   ➢ Rationale: Identifying characteristics of ESL program participants will enable better understanding of the program's implementation and effects.

3. **Meeting Goals and Objectives**

   ➢ Rationale: Assessing progress made toward meeting the program-related goals and objectives will help to determine the extent to which the program is successful both in terms of implementation and student outcomes. Several comparisons between relevant groups will be made when assessing student outcomes to provide a clearer understanding of the program.

4. **Stakeholder Perceptions**

   ➢ Rationale: Surveying the perceptions of students and staff involved in the ESL program, as well as the perceptions of other stakeholders (school administrators, parents, etc.) will identify program strengths and possible areas for program improvement.

5. **Cost**

   ➢ Rationale: Determining the additional cost of the ESL program will provide information about the benefit of the program in relation to its overall cost.

Proposed Evaluation Method

In preparation for this Evaluation Readiness Report, the Hanover Research brief on best practices in evaluating ESL programs, as well as Chapter 9 in the U.S. Department of Education's *English Learner Tool Kit*, served as resources for planning the evaluation.[37] The proposed evaluation will include mixed-methodologies in order to adequately address each of the evaluation questions, including the goals and objectives. The proposed evaluation will focus on both current and former EL students.

The majority of quantitative data will be extracted from the VBCPS data warehouse. To gather perception data, surveys will be administered to all key stakeholder groups, including the parents of EL students. The linguistic diversity of the EL population will need to be addressed in the survey process. Additional qualitative data will come from open-ended survey items, as well as from interviews and focus groups of ESL and classroom teachers when feasible. Further, information garnered from ESL program documentation and from the best practices research literature will also be utilized in the evaluation.

Evaluation Design and Questions

To the greatest extent possible, the evaluation methods that are proposed are aligned with information in the literature about best practices in the evaluation of ESL programs. The design of the evaluation will include both cross-sectional and longitudinal components. Cross-sectional designs, where data are examined based on a given point in time, provide a "snapshot" at one point in time, but allow for examination of data based on subgroup. Within a cross-section, two subgroups – for example, former EL students and a matched group of never-ELs – may be compared to assess equity of opportunity (e.g., enrollment in an academy program) or actual outcomes (e.g., on-time graduation rates). In contrast, the longitudinal components will examine EL progress over time and will compare the rate of progress with the rates of reference groups, when feasible. For example, the change in ACCESS performance levels of students receiving ESL services in grade 3 and grade 4 may be referenced against the ACCESS levels of ESL-eligible students who declined services.

The evaluation questions to be addressed in the evaluations are listed below. Evaluation questions only applicable to certain evaluation years are noted.

1. **What were the operational components of the ESL program?**
   a. What were the criteria for identifying EL students?
   b. What were the processes for assessing and placing the EL students according to their linguistic, academic, and other needs?
   c. What were the instructional models and methods used to deliver language development and academic content to the EL students?
   d. What were the processes for monitoring the participants' language development and academic progress until they met program exit criteria and through their period of post-program monitoring?
   e. What was the process of staffing the ESL program, including job responsibilities and staff selection, ESL teacher assignments and caseloads, and staff characteristics?
   f. What resources and professional learning activities were provided for ESL teachers and content area teachers to assist them in effectively meeting EL students' needs?

2. **What were the characteristics of the students who participated in the ESL program?**
   a. What were the demographic characteristics (e.g., age, gender, race/ethnicity) of the EL students?
   b. What were the pathways that EL students planned to pursue (e.g., college, career, or military service)?

3. **How do former EL students (in and beyond monitor status) perform academically when compared with their similar non-EL peers with respect to course grades, SOL results, and other indicators of academic progress? (2020-2021 only)**

4. **What progress was made toward meeting the ESL program's goals and objectives?**

5. **What were the stakeholders' perceptions of the ESL program (i.e., EL students and their parents, ESL teachers, content area teachers, principals, and assistant principals)?**

6. **What was the additional cost of the ESL program to the school division?**

7. **What actions were taken regarding the recommendations from the ESL program evaluation? (2019-2020 and 2020-2021 only)**

Table 6 outlines the process of collecting data to address Evaluation Question 4 noted above. For reference, the goals and objectives can be found on pages 14 and 15.

Table 6: Data Collection Process for Program Objectives

Program Objective	Data Used to Evaluate Progress Toward Meeting Objectives	Measure	Data Source
Goal 1 Objective 1	Perceptions of ESL teachers and administrators regarding ESL teacher participation in professional learning and perceptions of effectiveness.	Percentage of ESL teachers who report participating and percentage who report it was effective. Percentage of administrators who report ESL teacher participation and percentage who report it was effective.	Survey
Goal 1 Objective 2	Perceptions of classroom teachers of EL students who participated in professional learning and who report that the professional learning was effective.	Percentage of classroom teachers who report participating and percentage who report it was effective. Percentage of administrators who report classroom teacher participation and percentage who report it was effective.	Survey

Program Objective	Data Used to Evaluate Progress Toward Meeting Objectives	Measure	Data Source
Goal 1 Objective 3	Perceptions of ESL teachers and classroom teachers of EL students regarding their collaboration.	Percentage of respondents agreeing.	Survey
Goal 2 Objective 1	Perceptions of EL students and school staff regarding EL student self-confidence through class participation and group collaboration.	Percentage of respondents agreeing.	Survey
Goal 2 Objective 2	Perceptions of EL students regarding EL students' participation in athletics, clubs, and other extracurricular activities.	Percentage of respondents agreeing.	Survey for EL students as part of Navigational Marker data collection
Goal 2 Objective 3	Data regarding the school attendance of EL students.	Percentage of EL students with 90 percent attendance. Percentage of EL students who have fewer than six unexcused/unverified absences.	VBCPS data warehouse as part of Navigational Marker data collection
Goal 2 Objective 4	Perceptions of EL students regarding positive relationships with peers, teachers, and administrators.	Percentage of respondents agreeing.	Survey for EL students as part of Navigational Marker data collection
Goal 2 Objective 5	Perceptions of EL students regarding EL students' sense of belonging to their school.	Percentage of respondents agreeing.	Survey for EL students as part of Navigational Marker data collection
Goal 2 Objective 6	Perceptions of EL students and their parents about their school being a welcoming place to learn.	Percentage of respondents agreeing.	Survey for EL students and parents as part of Navigational Marker data collection
Goal 3 Objective 1	Perceptions of EL students that they were provided with personalized learning opportunities.	Percentage of respondents agreeing.	Survey for EL students as part of Navigational Marker data collection
Goal 3 Objective 2	Perceptions of EL students that the academic/career planning process helped them to make informed decisions about college, employment, or military service.	Percentage of respondents agreeing.	Survey for EL students as part of Navigational Marker data collection
Goal 3 Objective 3	Data regarding EL students in middle school and high school who enrolled in advanced or honors courses.	Percentage of middle school and high school EL students enrolled.	VBCPS data warehouse as part of Navigational Marker data collection
Goal 3 Objective 4	Data regarding EL students enrolled in academy programs, the Advanced Technology Center, and the Technical and Career Education Center.	Percentage of EL high school students enrolled.	VBCPS data warehouse
Goal 3 Objective 5	Data regarding EL students who earn industry certification, complete a technical and career education (TCE) program, and meet college-readiness benchmarks on the SAT.	Percentage of EL high school students who earn certifications, complete TCE programs, and meet benchmarks.	VBCPS data warehouse as part of Navigational Marker data collection

Program Objective	Data Used to Evaluate Progress Toward Meeting Objectives	Measure	Data Source
Goal 4 Objective 1	Data regarding EL students who make adequate progress toward developing, attaining, and maintaining English language proficiency.	Percentage of EL students who make the requisite gains on ACCESS based on their prior proficiency level and grade level.	VBCPS data warehouse
Goal 4 Objective 2	Data regarding EL students who achieve English proficiency within five years.	Percentage of EL students who attain an ACCESS proficiency level of at least 4.4 within five years.	VBCPS data warehouse
Goal 4 Objective 3	Data regarding the number of EL students who graduate from high school on time.	The on-time graduation rate of EL students.	VBCPS data warehouse and VDOE
Goal 5 Objective 1	Data regarding parent and staff perceptions that the parents receive timely notice of their child's English language progress and status in a form and manner that they can understand.	Percentage of respondents agreeing.	Survey
Goal 5 Objective 2	Data demonstrating that the parents of EL students attend and express satisfaction with events, programs, and resources provided for parents to support their student.	Percentage of respondents agreeing.	Survey for EL parents as part of Navigational Marker data collection
Goal 5 Objective 3	Perceptions of parents of EL students that they receive school communications in a form and manner that they can understand.	Percentage of respondents agreeing.	Survey

Results of the Evaluation Readiness Process

➢ The ESL Evaluation Readiness Committee and staff from PIA's Office of Research and Evaluation met to discuss the evaluation process. Goals and measurable objectives were developed, along with a three-year program evaluation plan.

➢ The first goal is that ESL teachers and classroom teachers participate in professional learning to understand the needs of English learners and collaborate to seek ways to best serve their EL students. Specific objectives include:

- o Having ESL teachers participate in effective professional learning to increase their instructional effectiveness with EL students.
- o Having classroom teachers participate in effective professional learning to increase their understanding of and capacity to teach EL students.
- o Having ESL teachers and classroom teachers collaborate to meet EL students' needs.

➢ The second goal is that ESL program will foster EL students' social and emotional development to support students as they become confident learners who feel part of their school community. Specific objectives include having EL students:

- o Demonstrate confidence through class participation and group collaboration.
- o Participate in athletics, clubs, and other extracurricular activities.
- o Attend school regularly.
- o Report positive relationships with peers, teachers, and administrators.
- o Report a sense of belonging to their school.

o   Report that school is a welcoming place to learn.

➢ The third goal is that the ESL program will be student-centered and provide EL students with a variety of choices and opportunities to help students reach their goals. Specific objectives include having EL students:

o   Receive personalized learning opportunities.
o   Make informed decisions about college, employment, or military service.
o   Enroll in rigorous coursework in middle school and high school.
o   Enroll in academy and other specialized programs.
o   Demonstrate college- and career-readiness skills.

➢ The fourth goal is that EL students will attain English proficiency in listening, speaking, reading, and writing. Specific objectives include having EL students:

o   Make adequate progress each year in English language development.
o   Achieve English proficiency within five years.
o   Graduate from high school on time.

➢ The fifth goal is that the parents of EL students will be provided with supports and services to enable them to support and participate in their child's education. Specific objectives include having the parents of EL students:

o   Receive timely notice of their child's English language progress and status in a manner that they can understand.
o   Attend and express satisfaction with events, programs, and resources.
o   Receive school division communications in a manner that they can understand.

Recommendations and Rationale

Recommendation #1: Begin a three-year evaluation during 2018-2019 focused on evaluating the implementation of the ESL program with a year-one report presented to the School Board in the fall of 2019. *(Responsible Group: Planning, Innovation, and Accountability – Office of Research and Evaluation)*

Rationale: It is proposed that a three-year evaluation of the ESL program commence during 2018-2019. The evaluation will focus on the ESL program's implementation processes and answer questions about how the program operates, including documenting the various curricular models and instructional methods employed when delivering ESL services and supports. A review of evaluation literature during the evaluation readiness process indicated that the success of ESL programs tends to depend less on adhering to a particular model than on factors affecting program quality, including ESL teacher caseload, opportunity for collaboration among the ESL teacher and classroom teachers, and the degree to which division and school leaders make EL students a priority. While the evaluation in 2018-2019 will focus on implementation processes, data for program objectives focused on student outcomes will be collected for baseline purposes.

Recommendation #2: Continue the evaluation of the ESL program during 2019-2020 maintaining the focus on implementation with a year-two report presented to the School Board in the fall of 2020. *(Responsible Group: Planning, Innovation, and Accountability – Office of Research and Evaluation)*

Rationale: It is proposed that the evaluation of the ESL program continue to focus on program implementation processes during its second year. As part of the year-two evaluation, modifications or changes made to the program will be described, and baseline data for student outcome goals and objectives will be collected for a second year. A second year of focusing on program implementation processes will provide an opportunity to address any

modifications or changes to the program that occur due to previously planned modifications, changes to federal and/or state regulations, or in response to the year-one evaluation recommendations. Two years of focusing mainly on program implementation will allow for a more complete examination and understanding of the extent and nature of the ESL program's components and processes at all school sites within the Virginia Beach school division. In addition, collecting more than one year of baseline student outcome data prior to evaluating program effectiveness for EL students will enable longitudinal analyses in addition to the cross-sectional analyses that provide "snapshots" at particular times.

Recommendation #3: Conduct the final evaluation of the ESL program during 2020-2021 shifting the focus from implementation to program effectiveness in terms of student outcomes with a year-three comprehensive evaluation report presented to the School Board in the fall of 2021. *(Responsible Group: Planning, Innovation, and Accountability – Office of Research and Evaluation)*

Rationale: Following the two years of focusing on program implementation processes, it is proposed that the evaluation during 2020-2021 shift its emphasis to the more summative purpose of measuring program effectiveness in terms of student outcomes and students' linguistic and academic growth, as well as on the degree to which the program met its goals and objectives. Based on the year-three results, additional evaluation update reports may be recommended to monitor certain outcomes or to provide information about possible adjustments to the ESL program due to changes in federal and/or state regulations or due to program evaluation recommendations. Because one of the student outcome objectives is longitudinal in nature, there may be longitudinal components of the evaluation which will need to be addressed beyond 2020-2021.

Appendices

Appendix A: WIDA Performance Levels Definitions for the Receptive Language Domain (Processing by Listening and Reading) – K-12

At each grade, toward the end of a given level of English language proficiency, and with instructional support, English language learners will process…

Level	Discourse Dimension Linguistic Complexity	Sentence Dimension Language Forms and Conventions	Word/Phrase Dimension Vocabulary Usage
Level 1 Entering	• Single statements or questions • An idea within words, phrases, or chunks of language	• Simple grammatical constructions (e.g., commands, Wh- questions, declaratives) • Common social and instructional forms and patterns	• General content-related words • Everyday social, instructional and some content-related words and phrases
Level 2 Emerging	• Multiple related simple sentences • An idea with details	• Compound grammatical structures • Repetitive phrasal and sentence patterns across content areas	• General content words and expressions, including cognates • Social and instructional words and expressions across content areas
Level 3 Developing	• Discourse with a series of extended sentences • Related ideas specific to particular content areas	• Compound and some complex grammatical constructions • Sentence patterns across content areas	• Specific content-area language and expressions • Words and expressions with common collocations and idioms across content areas
Level 4 Expanding	• Connected discourse with a variety of sentences • Expanded related ideas characteristic of particular content areas	• Complex grammatical structures • A broad range of sentence patterns characteristic of particular content areas	• Specific and some technical content-area language • Words or expressions with multiple meanings across content areas
Level 5 Bridging	• Rich descriptive discourse with complex sentences • Cohesive and organized, related ideas across content areas	• A variety of complex grammatical structures • Sentence patterns characteristic of particular content areas	• Technical and abstract content-area language • Words and expressions with shades of meaning across content areas
Level 6 Reading	English language learners will process a range of grade-appropriate oral or written language for a variety of academic purposes and audiences. Automaticity in language processing is reflected in the ability to identify and act on significant information from a variety of genres and registers. English language learners' strategic competence in processing academic language facilitates their access to content area concepts and ideas.		

Source: https://wida.wisc.edu/sites/default/files/resource/Performance-Definitions-Receptive-Domains.pdf. Reformatted for accessibility.

Appendix B: WIDA Performance Levels Definitions for the Expressive Language Domain (Using via Speaking and Writing) – K-12

At each grade, toward the end of a given level of English language proficiency, and with instructional support, English language learners will produce…

Level	Discourse Dimension Linguistic Complexity	Sentence Dimension Language Forms and Conventions	Word/Phrase Dimension Vocabulary Usage
Level 1 Entering	• Words, phrases, or chunks of language • Single words used to represent ideas	• Phrase-level grammatical structures • Phrasal patterns associated with familiar social and instructional situations	• General content-related words • Everyday social and instructional words and expressions
Level 2 Emerging	• Phrases or short sentences • Emerging expression of ideas	• Formulaic grammatical structures • Repetitive phrasal and sentence patterns across content areas	• General content words and expressions • Social and instructional words and expressions across content areas
Level 3 Developing	• Short and some expanded sentences with emerging complexity • Expanded expression of one idea or emerging expression of multiple related ideas across content areas	• Simple and compound grammatical structures with occasional variation • Sentence patterns across content areas	• Specific content language, including cognates and expressions • Words or expressions with multiple meanings used across content areas
Level 4 Expanding	• Short, expanded, and some complex sentences • Organized expression of ideas with emerging cohesion characteristic of particular content areas	• Compound and complex grammatical structures • Sentence patterns characteristic of particular content areas	• Specific and some technical content-area language • Words and expressions with expressive meaning through use of collocations and idioms across content areas
Level 5 Bridging	• Multiple, complex sentences • Organized, cohesive, and coherent expression of ideas characteristic of particular content areas	• A variety of complex grammatical structures matched to purpose • A broad range of sentence patterns characteristic of particular content areas	• Technical and abstract content-area language, including content-specific collocations • Words and expressions with precise meaning across content areas
Level 6 Reaching	English language learners will use a range of grade-appropriate language for a variety of academic purposes and audiences. Agility in academic language use is reflected in oral fluency and automaticity in response, flexibility in adjusting to different registers and skillfulness in interpersonal interaction. English language learners' strategic competence in academic language use facilitates their ability to relate information and ideas with precision and sophistication for each content area.		

Source: https://wida.wisc.edu/sites/default/files/resource/Performance-Definitions-Expressive-Domains.pdf. Reformatted for accessibility.

Endnotes

1   Source: http://www.doe.virginia.gov/instruction/esl/
2   Ibid.
3   Source: https://www2.ed.gov/policy/elsec/leg/essa/essatitleiiiguidenglishlearners92016.pdf (See p. 30).
4   Source: http://www.doe.virginia.gov/testing/english_language_proficiency_assessments/index.shtml
5   Source: https://www.vbcps.com/depts/CI/ESL/_layouts/15/WopiFrame2.aspx?sourcedoc=/depts/CI/ESL/Documents/Program%20Overview%20High.docx&action=default&DefaultItemOpen=1
6   R. Collier, personal communication, September 13, 2018.
7   R. Collier, personal communication, July 19, 2018.
8   Virginia Beach City Public Schools. *ELT Hand Book for Elementary and Middle Schools*, July 2017 and *ELT Centralized Procedures for High Schools*, July 2017.
9   Cook, H.G., Boals, T., and Lundberg, T. "Academic Achievement for English Learners: What Can We Reasonably Expect?" In *Phi Delta Kappa,* Volume 93, Issue 3, 2011.
10 "Involving Hard-to-Reach Parents: Strategies and Resources for Teachers and Administrators." Fairfax County Public Schools, as cited in Hanover Research, *Best Practices in School Climate and Support Services for English Language Learners,* March 2015.
11 Stepanek, J. and J. Raphael. "Creating Schools that Support Success for English Language Learners." *Lessons Learned, 1:2*, September 2010. p.1. http://files.eric.ed.gov/fulltext/ED519412.pdf
12 Source: https://www2.ed.gov/about/offices/list/ocr/letters/colleague-el-201501.pdf
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14 Source: http://www.thomasandcollier.com/assets/2002_thomas-and-collier_2002-final-report.pdf
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18 Source: https://ies.ed.gov/ncee/edlabs/regions/northwest/pdf/REL_2017243.pdf
19 Source: *A Meta-analysis of Research on English Learners.* Hanover Research. September, 2015.
20 Hakuta, K. (2000). How Long Does It Take English Learners to Attain Proficiency. *UC Berkeley: University of California Linguistic Minority Research Institute*. Retrieved from https://escholarship.org/uc/item/13w7m06g
21 Cook, H. G., Boals, T., Wilmes, C. & Santos, M. (2008) Issues in the Development of Annual Measurable Achievement Objectives (AMAOs) for WIDA Consortium States. Wisconsin Center for Education Research
22 Source: https://wida.wisc.edu/sites/default/files/resource/Report-DistrictLevelAnalysisOfELLGrowth.pdf
23 Ibid.
24 Source: https://www2.ed.gov/about/offices/list/oela/english-learner-toolkit/chap8.pdf, p. 2.
25 Source: https://www.brookings.edu/blog/brown-center-chalkboard/2016/03/09/reclassifying-english-language-learners-whats-the-effect-on-wisconsin-high-schoolers/
26 Virginia Department of Education (April 24, 2018). Revised State Template for the Consolidated State Plan The Elementary and Secondary Education Act of 1965, as amended by the Every Student Succeeds Act. Richmond, VA; p. 19.
27 Both the U.S. Department of Education and the Virginia Department of education require local school divisions that are receiving Title III subgrants to biannually report the number and percentage of ELs who have not yet attained English proficiency within five years of initial classification as an EL and first enrollment in the LEA. Sources: U.S. Department of Education: Non-Regulatory Guidance: English Learners and Title III of the Elementary and Secondary Education Act (ESEA), as amended by the Every Student Succeeds ACT (ESSA). Washington, D.C. September23, 2016 and Virginia Department of Education: Every Student Succeeds Act of 2015: Title III Changes and Additions. Richmond, VA.
28 Virginia Department of Education: Title III, Part A, Foundations for New Coordinators, July 2017.

[29] Although the exact number of SLIFE in VBCPS in 2017-2018 is unclear because the identification criteria differed across schools, a more standardized SLIFE definition will be introduced in 2018-2019, which will provide more accurate data for the comprehensive evaluation being proposed.

[30] Source: https://www2.ed.gov/policy/elsec/leg/essa/essatitleiiiguidenglishlearners92016.pdf (See p. 39, especially)

[31] Source: https://eric.ed.gov/?id=ED570903

[32] Menken, K., Kleyn, T., & Chae, N. (2012). Spotlight on "long-term English language learners": Characteristics and prior schooling experiences of an invisible population. International Multilingual Research Journal, 6, 121-142. Retrieved from https://katemenken.files.wordpress.com/2011/10/menken-kleyn-chae-2012-spotlight-on-e2809c long-term-english-language-learnerse2809d-imrj1.pdf

[33] Source: https://legcounsel.house.gov/Comps/Elementary%20And%20Secondary%20Education%20Act%20Of%201965.pdf (See p. 202, enacted 4/8/2018)

[34] Source: https://www2.ed.gov/about/offices/list/ocr/letters/colleague-el-201501.pdf (See p. 34, especially)

[35] Source: http://www.doe.virginia.gov/administrators/superintendents_memos/2017/168-17.shtml

[36] Virginia Beach City Public Schools. Principals Packet Memo, July 23, 2015.

[37] Source: https://www2.ed.gov/about/offices/list/oela/english-learner-toolkit/chap9.pdf

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September 2018

Subject: Religious Exemptions   **Item Number:** 11C

Section: Consent Agenda   **Date:** October 9, 2018

Senior Staff: Donald Robertson, Chief Schools Officer

Prepared by: Denise White, Student Conduct/Services Coordinator

Presenter(s): Michael B. McGee, Director, Office of Student Leadership

Recommendation:

That the School Board approve Religious Exemption Case Nos. RE-18-11 and RE-18-12.

Background Summary:

Administration finds documentation meets the threshold requirements stipulated in Virginia Code.

Virginia Code §22.1-254.B.1 states the following:

"B.   A school board shall excuse from attendance at school:

1.   Any pupil who, together with his parents, by reason of bona fide religious training or belief is conscientiously opposed to attendance at school. For purposes of this subdivision, "bona fide religious training or belief" does not include essentially political, sociological or philosophical views or a merely personal moral code"

Virginia Code § 22.1-254.D.1 states the following:

"D.   A school board may excuse from attendance at school:

1.   On recommendation of the principal and the division superintendent and with the written consent of the parent or guardian, any pupil who the school board determines, in accordance with regulations of the Board of Education, cannot benefit from education at such school"

Source:

Virginia Code §22.1-254.B.1 and §22.1-254.D.1
School Board Policy 5-12, Legal Withdrawal

Budget Impact:

None

VIRGINIA BEACH CITY PUBLIC SCHOOLS
CHARTING THE COURSE

School Board Agenda Item

Subject: Personnel Report   **Item Number:** 12

Section: Action   **Date:** October 9, 2018

Senior Staff: Mr. John A. Mirra, Chief Human Resources Officer

Prepared by: John A. Mirra

Presenter(s): Aaron C. Spence, Ed.D., Superintendent

Recommendation:

That the Superintendent recommends the approval of the appointments and the acceptance of the resignations, retirements and other employment actions as listed on the October 9, 2018, personnel report.

Background Summary:

 List of appointments, resignations and retirements for all personnel

Source:

School Board Policy #4-11, Appointment

Budget Impact:

Appropriate funding and allocations

VIRGINIA BEACH CITY PUBLIC SCHOOLS
PERSONNEL REPORT OCTOBER 2018
ASSIGNED TO THE UNIFIED SALARY SCALE
2018-2019

SCHOOL/DEPARTMENT		POSITION
	APPOINTMENTS - ELEMENTARY SCHOOL	
BAYSIDE		
9/20/2018	Timothy J. Lockett	Technology Support Technician
BIRDNECK		
9/24/2018	Alpha Keels	Custodian III, Head Day
CENTERVILLE		
9/20/2018	Megan Johnson-Clark	Physical Education Assistant
GLENWOOD		
10/1/2018	Mynita T. Busbee	Pre-Kindergarten Assistant
HERMITAGE		
9/20/2018	Evangeline M. Palmer	Kindergarten Assistant
HOLLAND		
9/20/2018	Brandon Smith	Physical Education Assistant, .5
9/20/2018	Maia Toliver	Pre-Kindergarten Assistant
KINGS GRANT		
9/20/2018	Dominique L. Hebert	Physical Education Assistant, .5
LUXFORD		
9/20/2018	Juan C. Hunter, Jr.	Custodian I, 10 month, night
9/20/2018	Lisa R. Praileau	Kindergarten Assistant
LYNNHAVEN		
9/27/2018	SjaDeidre Benton	Title I Assistant
NORTH LANDING		
9/19/2018	Nahid J. Hawkes	Cafeteria Assistant, 5 hours
RED MILL		
9/19/2018	Roman I. Guimba	Custodian I, 10 month, night
ROSEMONT		
9/20/2018	Melissa M. Cruz	Pre-Kindergarten Assistant
WHITE OAKS		
9/20/2018	Stacey M. Isidro	Special Education Assistant
	APPOINTMENTS - MIDDLE SCHOOL	
GREAT NECK		
9/26/2018	Allan C. Harper	Custodian I, 12 month, night
LARKSPUR		
9/20/2018	Nancy L. Hulburt	Special Education Assistant
PLAZA		
9/27/2018	Alice M. Catherman	Security Assistant
	APPOINTMENTS - HIGH SCHOOL	
BAYSIDE		
9/20/2018	Shaquille Black	Security Assistant
COX		
9/26/2018	Seth A. Borga	Custodian I, 10 month
9/27/2018	Rickey H. Wilson, Jr.	Custodian I, 12 month
10/1/2018	Constantine S. Passaris, II	Special Education Assistant
GREEN RUN		

SCHOOL/DEPARTMENT		POSITION
9/20/2018	Joseph Sofia	Security Assistant
KEMPSVILLE		
9/27/2018	Floyd M. Miller, Jr.	Custodian I, 12 month
SALEM		
9/19/2018	Teresita A. Toribio	Custodian I, 10 month, night
9/26/2018	Kevin Aviles	Custodian I, 10 month
TALLWOOD		
9/26/2018	Zhanara A. Handy	Special Education Assistant

APPOINTMENTS - MISCELLANEOUS

DEPARTMENT OF TECHNOLOGY		
9/20/2018	Mario McCoy	Technology Support Technician
OFFICE OF MAINTENANCE SERVICES		
10/1/2018	Alvin O. Smith	General Maintenance Craftsman II
OFFICE OF PROGRAMS FOR EXCEPTIONAL CHILDREN		
9/20/2018	Betsy A. Outland	Special Education Assistant
9/20/2018	Mary J. Weaver	Speech Language Pathologist
OFFICE OF TRANSPORTATION AND FLEET MANAGEMENT SERVICES		
9/19/2018	Amy Miller	Bus Driver, 6 hours
9/19/2018	Billy Greth	Bus Driver, 5.5 hours
9/19/2018	Catherine F. Lewis	Bus Driver, 6 hours
9/19/2018	Duane A. Newton	Bus Driver, 5.5 hours
9/19/2018	Elohor O. Ighalo	Bus Driver, 5 hours
9/19/2018	Ernest Paddyfoot	Bus Driver, 5.5 hours
9/19/2018	Henry Dorsey	Bus Driver, 7 hours
9/19/2018	James F. Wrenn	Bus Driver, 6 hours
9/19/2018	Jennifer A. Hughes	Bus Driver, 5.5 hours
9/19/2018	Jerrie L. Ray	Bus Driver, 5.5 hours
9/19/2018	Kara E. Hughes-Bowling	Bus Driver, 5 hours
9/19/2018	Kayla A. Holloway	Bus Driver, 6 hours
9/19/2018	Kim B. DeMarco	Bus Driver, 5 hours
9/19/2018	Paul T. Galbraith	Bus Driver, 5.5 hours
9/19/2018	Richard E. Bernhardt	Bus Driver, 6 hours
9/19/2018	Roberta M. Obenaus	Bus Driver, 6 hours
9/19/2018	Winona S. Dillon	Bus Driver, 5.5 hours
9/20/2018	Cathleen A. Harrell	Bus Driver, 5.5 hours
9/20/2018	Pamela R. Baines	Bus Driver, 5.5 hours
9/26/2018	Arlesa McGee	Auxiliary Driver, 6.5 hours
9/26/2018	Cynthia C. Hennen	Bus Driver, 6 hours
9/26/2018	Deborah L. Lauterbach	Auxiliary Driver, 6 hours
9/26/2018	Erica M. La Borde	Bus Driver, 5 hours
9/26/2018	Jennifer M. Crump	Bus Driver, 5.5 hours
9/26/2018	Robin L. Gerloff	Auxiliary Driver, 5.5 hours

RESIGNATIONS - ELEMENTARY SCHOOL

ARROWHEAD		
10/5/2018	Marla R. Butler	Physical Education Assistant, .5 (personal reasons)
LYNNHAVEN		
10/11/2018	Yessica Diaz Johnson	Library Media Assistant (personal reasons)
NEWTOWN		
10/8/2018	Jessica A. Johnson	Physical Education Assistant (career enhancement opportunity)
SHELTON PARK		
10/1/2018	Denice L. Sevin	Kindergarten Assistant (personal reasons)
THALIA		

SCHOOL/DEPARTMENT		POSITION
10/2/2018	Keith A. Bryant	Security Assistant, .4 (personal reasons)
10/5/2018	Brooke M. Billings	School Office Associate II, 12 month (personal reasons)

RESIGNATIONS - MIDDLE SCHOOL
NONE

RESIGNATIONS - HIGH SCHOOL
ADULT LEARNING CENTER

10/11/2018	Monique Edghill	Financial Assistant, 12 month, .6 (career enhancement opportunity)

GREEN RUN

6/21/2018	Juliana R. Hyatt	Custodian I,10 month, night (relocation)
10/2/2018	Matthew Roemer	Technology Support Technician (personal reasons)

OCEAN LAKES

9/21/2018	Shaquan Cook	ISS Coordinator (career enhancement opportunity)

RENAISSANCE ACADEMY

10/1/2018	Barbara L. Baskerville	Security Assistant (career enhancement opportunity)

SALEM

9/24/2018	Donnavan M. Stith, Jr.	ISS Coordinator (career enhancement opportunity)

RESIGNATIONS - MISCELLANEOUS
OFFICE OF STUDENT LEADERSHIP

12/12/2018	Sharon Chapman	School Nurse (family)

RETIREMENTS - ELEMENTARY SCHOOL
NONE

RETIREMENTS - MIDDLE SCHOOL
INDEPENDENCE

8/31/2018	Debora A. Scarborough	School Nurse

LARKSPUR

6/18/2018	Mary Lou Dontigney	Special Education Assistant

RETIREMENTS - HIGH SCHOOL
LANDSTOWN

9/30/2018	Greg N. Yon	Bookkeeper

RETIREMENTS - MISCELLANEOUS
NONE

OTHER EMPLOYMENT ACTIONS
ELEMENTARY SCHOOL
WOODSTOCK

11/30/2018	Karen Jordan-Bramble	Kindergarten Assistant (retired) Ms. Jordan-Bramble's retirement date has changed from 10/31/2018 to 11/30/2018.

VIRGINIA BEACH CITY PUBLIC SCHOOLS
PERSONNEL REPORT OCTOBER 2018
ASSIGNED TO THE INSTRUCTIONAL SALARY SCALE
2018-2019

SCHOOL/DEPARTMENT	SUBJECT	COLLEGE	PREVIOUS SCHOOL DISTRICT
APPOINTMENTS - ELEMENTARY SCHOOL			
POINT O' VIEW			
9/24/2018 Jeanne M. Snowdon	Art, .6	Old Dominion University	St. Johns County School District, FL
WOODSTOCK			
9/27/2018 Amanda G. Fleenor	Music - Vocal, .6	Old Dominion University	
APPOINTMENTS - MIDDLE SCHOOL			
LYNNHAVEN			
10/1/2018 Margaret O. Beckner	French .4	The University of North Carolina at Greensboro	VBCPS
APPOINTMENTS - HIGH SCHOOL			
COX			
9/10/2018 Meghan E. Hall	Latin	University of Georgia	VBCPS
FIRST COLONIAL			
9/20/2018 Suzanne J. Bass	Social Studies, .6	Virginia Tech	
KEMPSVILLE			
9/24/2018 Amy K. Converse	English	Penn State University	VBCPS
TALLWOOD			
9/19/2018 Candace A. Weather	English, .4	Virginia Commonwealth University	

APPOINTMENTS - MISCELLANEOUS
                  NONE

RESIGNATIONS - ELEMENTARY SCHOOL

BIRDNECK
10/12/2018   Randi S. Kuzmicki   Grade 5 (transfer of spouse)
LYNNHAVEN
10/5/2018   Rachel T. Lugo   Pre-Kindergarten (health)

RESIGNATIONS - MIDDLE SCHOOL
                  NONE

RESIGNATIONS - HIGH SCHOOL
                  NONE

RESIGNATIONS - MISCELLANEOUS
OFFICE OF PROGRAMS FOR EXCEPTIONAL CHILDREN
10/5/2018   Lakisha N. Ireland   Program Compliance Support Teacher (career enhancement opportunity)

SCHOOL/DEPARTMENT	SUBJECT	COLLEGE	PREVIOUS SCHOOL DISTRICT

RETIREMENTS - ELEMENTARY SCHOOL

HERMITAGE
9/28/2018   Sonyonna N. Brown   Special Education

RETIREMENTS - MIDDLE SCHOOL

INDEPENDENCE
6/18/2018   Marlou H. Jones   Special Education
9/28/2018   Marva L. Edwards   School Counselor

RETIREMENTS - HIGH SCHOOL
NONE

RETIREMENTS - MISCELLANEOUS
NONE

OTHER EMPLOYMENT ACTIONS

HIGH SCHOOL
RENAISSANCE ACADEMY
8/29/2018   Jennifer E. Frank (revised hire date from 9/12/2018 to 8/29/2018)

VIRGINIA BEACH CITY PUBLIC SCHOOLS
PERSONNEL REPORT OCTOBER 2018
ADMINISTRATIVE APPOINTMENTS
2018-2019

<u>**SCHOOL/DEPARTMENT**</u>   **POSITION**

<u>**APPOINTMENTS - ELEMENTARY SCHOOL**</u>
NONE

<u>**APPOINTMENTS - MIDDLE SCHOOL**</u>
NONE

<u>**APPOINTMENTS - HIGH SCHOOL**</u>
NONE

<u>**APPOINTMENTS - MISCELLANEOUS**</u>
<u>**DEPARTMENT OF MEDIA AND COMMUNCATIONS**</u>
10/31/2018   Donna "Sondra" Woodward   Coordinator of Public Relations

	Budget Resolution Regarding FY 2017/18 Reversion and	
Subject:	Revenue Actual Over Budgeted Funds	Item Number: 13A

Section: __Information_____ Date: _October 9, 2018_____

Senior Staff: ___Farrell E. Hanzaker, Chief Financial Officer_____

Prepared by: ___Farrell E. Hanzaker, Chief Financial Officer_____

Presenter(s): ___Farrell E. Hanzaker, Chief Financial Officer_____

Recommendation:

It is recommended that the School Board approve the Budget Resolution regarding FY 2017/18 Reversion and Revenue Actual Over Budget Funds.

Background Summary:

- Reversion funds equal the unspent fund balance after netting Revenue Sharing Formula funds Actual Over or Under Budget.

- The net estimated funding available for re-appropriation is $24,417,731.

- Based on early projections, a possible revenue funding shortfall for FY 2019/20 in the amount of 6,800,000 should be re-appropriated to the School Reserve Special Revenue fund and the remaining funds available should be re-appropriated for the purposes indicated in the attached Resolution.

- The attached Budget Resolution, once approved by the School Board, will be sent to the City Council for approval.

Source:

Unaudited Financial Statements for FY 2017/18 and the city staff communication of year-end true-up numbers.

Budget Impact:

$24,417,731 to be re-appropriated as indicated in the attached Budget Resolution regarding FY 2017/18 Reversion and Revenue Over Actual Funds.

Budget Resolution Regarding FY 2017/18 Reversion and Revenue Actual Over Budgeted Funds

WHEREAS, on September 25, 2018, the School Board was presented with a summary of the unaudited financial statements for FY 2017/18 (year-ending June 30, 2018) showing the reversion amount to the City's General fund; and

WHEREAS, $100,055 reverted from the Green Run Collegiate Charter School fund, $22,334,199 reverted from the School Operating fund and $447,710 reverted from the Athletics fund; and

WHEREAS, the estimated total amount available for re-appropriation is $22,881,964; and

WHEREAS, the city is currently indicating a FY 2017/18 revenue actual over budget of the revenues included in the Revenue Sharing Formula, of which the Schools' portion is $1,535,767; and

WHEREAS, the net reversion funding available for re-appropriation is $24,417,731; and

WHEREAS, on October 9, 2018, the School Board supported the priority needs spending plan as proposed by the Administration; and

WHEREAS, the Administration recommends the following for the available funds in the amount of $24,417,731:

- $6,800,000 to be re-appropriated to the School Reserve Special Revenue fund to cover possible revenue shortfalls in the FY 2019/20 School Operating fund 115

- $205,000 to be re-appropriated to the Athletics fund 119

- $2,000,000 to be re-appropriated to the Risk Management fund 614

- $9,780,000 to be re-appropriated to the CIP fund:
  - Project 1-184, Plaza Annex Office Addition - $6,980,000
  - Project 1-003, Renovations and Replacements - Energy Management / Sustainability - $2,800,000

- $5,632,731 to be re-appropriated to the School Operating fund 115 for:
  - Replacement school buses (regular education) - $2,000,000
  - Replacement white fleet vehicles - $750,000
  - Interactive white board replacement - $1,500,000
  - Safe Schools – cameras, updated computers, fencing, and repositioning the security kiosk -1,000,000
  - New and flexible replacement classroom furniture for Princess Anne High School -382,731

NOW, THEREFORE, BE IT

RESOLVED: That the School Board of the City of Virginia Beach approves the recommended uses of the FY 2017/18 Reversion and Revenue Actual Over Budget funds as presented by the Administration; and be it

FURTHER RESOLVED: That the School Board requests that the City Council approve the re-appropriation of FY 2017/18 Reversion and Revenue Actual Over Budget funds shown above; and be it

FINALLY RESOLVED: That a copy of this resolution be spread across the official minutes of this School Board, and the Clerk of the School Board is directed to deliver a copy of this resolution to the Mayor, each member of City Council, the City Manager, and the City Clerk.

Adopted by the School Board of the City of Virginia Beach this 9th day of October 2018

S E A L

_____
Beverly Anderson, School Board Chair

_____
Aaron C. Spence, Superintendent

Attest:

_____
Dianne P. Alexander, Clerk of the Board

Subject: State Accreditation and Federal Accountability: Status of Our Schools 2018/19 **Item Number:** 13B

Section: Information _____ **Date:** October 9, 2018

Senior Staff: Marc A. Bergin, Ed.D., Chief of Staff

Prepared by: Tracy A. LaGatta, Director of Student Assessment _____
              Lisa A. Banicky, Ph.D., Executive Director
              Office of Planning, Innovation, and Accountability

Presenter(s): Lisa A. Banicky, Ph.D., Executive Director _____

Recommendation:

That the School Board receive information related to the state accreditation status of Virginia Beach City Public Schools.

Background Summary:

Each year public schools in Virginia are awarded a status based on pre-defined indicators. State accreditation for the 2018-2019 school year is based on recent changes to the Standards of Accreditation.

Source:

The Virginia Department of Education

Budget Impact:

None

Subject: Policy Review Committee Recommendations   **Item Number: 13C1-7a**

Section: Information   **Date: October 9, 2018**

Senior Staff: Marc A. Bergin, Ed.D., Chief of Staff

Prepared by: Kamala Lannetti, Deputy City Attorney; John Sutton, III, Coordinator, Policy and Constituent Services

Presenter(s): School Board Legal Counsel, Kamala Lannetti, Deputy City Attorney

Recommendation:

That the School Board receive for Information the Policy Review Committee recommendations regarding review, amendment and/ repeal of certain policies as reviewed by the committee at their September 19, 2018 meeting.

Background Summary:

1. New Policy 4-6/ Healthy Work Environment

    Created due to change in state code that requires Division to have a separate healthy work environment policy.

2. Policy 4-14/ Alternative Work Schedules

    Updated to include definition standard work week, and compressed work week

3. Policy 4-22/ Drug and Alcohol Testing of Motor Vehicle Operators

    Updated to include language changes made by new code requirements

4. Policy 4-91/Student Teachers

    Updated language and formatting due to Guidelines revision

5. Policy 5-1/ Extent of School Authority

    Update in language governing student behavior while traveling to and from or attending school or school sponsored events.

6. Regulation 5-36.2/False Alarms/Bomb Threats/911 Calls

    Section on "Threat Assessments" removed to create new Policy 5-43, Regulation 5-43.1

7. New Policy 5-43/Threats

    New Policy created from sections of Regulation 5-36.2

    a. Regulation 5-43.1/Threat Assessment Procedure

        New Regulation created from sections of Regulation 5-36

. **Source:**

Code of Virginia, 1950, as amended, §22.1-253.12:7 School Board Policies.
Policy Review Committee Meeting of September 19, 2018

Budget Impact:

None

PERSONNEL

Healthy Work Environment

The School Board supports the rights of employees to have work environments that are free of abusive conduct and authorizes the Superintendent to develop regulations and/or procedures to address complaints regarding abusive work environments. Such regulations and/or procedures will:

1. Identify acts that a reasonable person would find abusive.

2. Provide for the appropriate corrective action for acts that are found to contribute to an abusive environment.

3. Prohibit retaliation against any employee who alleges an abusive work environment or assists in the investigation of an abusive work environment.

Complaints of discrimination or harassment addressed under other School Board policies or regulations will be investigated and addressed under those policies and regulations and will not be considered separate complaints.

Legal Reference:

Code of Virginia §22.1-291.4 as amended, *Bullying and abusive work environments prohibited*

Editor's Note

*See School Board **Policy 4-4** for Equal Employment Opportunity, Non-discrimination and anti-harassment and Compliance.*

Adopted by School Board:

PERSONNEL

Alternative Work Schedules: 12-Month, Non-Instructional Employees

This Ppolicy provides guidelines to schedule reasonable and flexible work hours for 12-month employees. Alternative work schedules may include, but are not limited to, compressed workweeks and flexible hours.

A B. **Guidelines**

The Superintendent/designee is authorized to establish alternative work schedules under the following guidelines:

1. The employee agrees to participate, and

2. The efficiency and productivity of instructional and support services will not be impaired.

B A. **Definitions**

1. Standard Workweek

The regular workweek for a full-time, 12-month employee (2080 hours) consists of a five-day, 40-hour per week schedule for every seven calendar-day period.

2. Compressed Workweeks Schedules

a.   A compressed schedule enables the full-time employee to complete a week's basic work requirement   in a 4-day week. The employee's time of arrival and departure from the work site are set, as are the days on which they are to complete the basic work requirements. For eligible non-exempt employees working under compressed schedules, overtime pay will continue to be applicable for time exceeding 40 hours in a workweek. paid for work outside the compressed schedule

b.   Employees on a compressed workweek taking leave will remain on their alternative schedule during that week and take appropriate leave at a rate comparable to the scheduled work hours. For example, for someone on a four-day workweek schedule, each day of leave would equal ten (10) hours.

c.   **Exceptions:**

1)   Employees attending workshops, conferences, training sessions, etc. lasting one full day or longer, will generally revert to the regular workweek for that week. However, the supervisor may determine that the hours worked during the special activity and/or hours worked on return to the worksite satisfied the employee's obligation to work a minimum of 40 hours.

2)   During weeks with holidays, all employees on a compressed workweek will observe the regular workweek for that week. For example, for someone on a

four-day workweek schedule, and the Monday was a holiday, the employee would work four eight-hour days.

    3)   Employees who have received notification of selection for a term of jury duty will revert to the regular workweek for that term.

    4)   Employees receiving VLDP benefits will revert to the regular workweek while out on leave under VLDP.

    5)   Employees on bereavement leave will revert to standard workdays for the purpose of calculating the hourly equivalence.

3. Flexible (Flextime) Work ~~Schedules~~ Hours

Flexible time is defined as a schedule of working hours within which the employee's time of arrival and departure from the work site may vary within limits consistent with the duties and requirements of their position. ~~The only requirement of a flexible work schedule is that~~ Employees must account for ~~the~~ basic work requirements. The Basic work requirements ~~is~~ include the number of hours, ~~excluding overtime hours,~~ which an employee is required to work or to otherwise account for by ~~an~~ submitting appropriate ~~form of~~ leave.

C. Reservation of right to adjust work hours~~schedules~~

The School Administration reserves the right to establish and adjust the work hours~~schedules~~ of employees to meet School Division needs. An employee's work horus~~schedule~~ may also be adjusted temporarily within a workweek to avoid overtime liability or to meet operational needs. At the School Administration's discretion, employees' work hours~~schedules~~ can be adjusted to meet the employees' personal needs.

~~3.~~ ~~Job Sharing Agreements~~

~~A job share is an arrangement in which two non-probationary employees share one position, with each job share participant working fifty percent of the full-time hours of the position and with benefits, if any, to be contained in regulation.~~ [ER1]

Editor's Note
~~For overtime s~~See School Board ~~P~~policy **4-87** for Overtime.
*See School Board ~~P~~policy **4-88** for Holidays.*
*See School Board ~~R~~regulation **4-46.1** for Bereavement Leave*

Adopted by School Board: July 13, 1993 (Effective August 14, 1993)
Amended by School Board: September 15, 1998
Amended by School Board:

PERSONNEL

Drug and Alcohol Testing of Employees Holding a Commercial Driver's License ~~Motor Vehicle Operators~~

~~This policy is required by the Omnibus Transportation Employee Testing Act of 1991 and the regulations promulgated thereto. (49 C.F.R. Part 382) (the "federal regulations"). The division superintendent or designee shall implement this program beginning January 1, 1995.~~ [ER1]

The Superintendent or designee shall promulgate regulations setting forth the procedures of complying with this ~~P~~policy and applicable ~~the~~ federal or state law and regulations and shall ensure that ~~provide~~ copies of this ~~P~~policy and applicable ~~the~~ regulations are provided to each employee subject to this ~~P~~policy.

A. **Applicability**

~~This policy shall apply to every employee who operates a commercial motor vehicle and who is required by federal law to have a commercial driver's license.~~[ER2] In compliance with the Omnibus Transportation Employee Testing Act of 1991, and Regulations of the Federal Highway Administration, contained in 49 CFR Parts 40 and 382, *et. al.*, as amended, all ~~VBCPS~~ employees and applicants who hold or are required to hold a commercial driver's license (CDL) as a condition of employment, shall comply with this ~~P~~policy.

~~B. Definitions~~

~~1. "Alcohol" means the intoxicating agent in beverage alcohol, ethyl alcohol or other low molecular weight alcohol, including methyl and isopropyl alcohol.~~

~~2. "Alcohol use" means the consumption of any beverage, mixture, or preparation, including any medication, containing alcohol.~~

~~3. "Commercial motor vehicle" means a motor vehicle that has a gross vehicle weight rating of 26,001 or more pounds or is designed to transport 16 or more passengers, including the driver.~~

~~4. "Driver" means any person who operates a commercial motor vehicle including, but not limited to, full-time, part-time, casual, intermittent and occasional drivers and, for purposes of pre-employment/pre-duty testing, persons applying to be drivers.~~

~~5. "Performing a safety-sensitive function"~~: ~~means a driver is considered to be performing a safety-sensitive function during any period in which he or she is actually performing, ready to perform, or immediately available to per form any safety-sensitive function.~~

~~6. "Safety-sensitive function" means any of those on-duty functions set forth in 49 C.F.R. §39.5.2 On-Duty Time, paragraphs 1-7, including, but not~~

limited to, waiting to be dispatched; inspecting, servicing or conditioning a commercial motor vehicle; all driving time; all time in or upon any commercial motor vehicle; all time loading and unloading a vehicle; and all time repairing, obtaining assistance or remaining in attendance upon a disabled vehicle.[ER3]

B C. Prohibitions

The manufacture, distribution, dispensation, possession, consumption, use, or sale of alcohol or illegal drugs or the unauthorized use of prescription drugs is strictly prohibited on School Board property.

No employee shall report to work, perform assigned duties, engage in School Division business in the school community, or participate in an activity involving students while the employee has detectable amounts of alcohol, illegal drugs, unauthorized prescription drugs, or illegal drug metabolites in his or her system.

Whether the employee has alcohol, illegal drugs, unauthorized prescription drugs, or illegal drug metabolites in his or her system shall be determined in accordance with medically established standards for measuring detectable amounts of these substances.

> 1. Alcohol concentration: No driver shall report for duty or remain on duty requiring the performance of safety-sensitive functions while having an alcohol concentration of 0.04 or greater while having a detectable amount of alcohol of 0.02 breath alcohol concentration (BAC) or higher in his or her system or while under the influence of or impaired by alcohol.
>
> 2. Alcohol possession: No driver shall be on duty or operate a commercial motor vehicle while the driver possesses alcohol, unless the alcohol is manifested and transported as part of a shipment.
>
> 3. On-duty and pre-duty use: No driver shall use alcohol while performing safety-sensitive functions, or perform safety-sensitive functions within four (4) hours after using alcohol.
>
> 4. Refusal to submit to tests: No driver shall refuse to submit to an alcohol or controlled substance test. An employee's refusal to submit to a drug or alcohol test immediately when requested will be considered the same as a positive test result. An employee's refusal includes, but is not limited to, failure to appear for testing for any reason, leaving the testing site without prior permission from VBCPS, or failure to complete and sign an authorization and consent form.
>
> 5. Controlled substances use: No driver shall report for duty or remain on duty requiring the performance of safety-sensitive functions when the driver uses any controlled substance, except when the use is pursuant to the instructions of a physician who has advised the driver that the substance does not adversely affect the driver's ability to safely operate a commercial motor vehicle. No driver shall report for duty, remain on duty or perform a safety-sensitive function, if the driver tests positive for controlled substances.

C D. Pre-Employment Testing for safety-sensitive position

Testing for safety –sensitive positions shall include:

1. Pre-Employment
2. Post-Accident
3. Random
4. Reasonable Suspicion – Note: reasonable suspicion testing applies to all VBCPS employees (see Regulation 4-27.1 and Regulation 4-27.2)
5. Return-to-Duty

1. Prior to the first time a driver performs safety-sensitive functions for the School Board, he/she shall undergo testing for alcohol and controlled substances. No driver will be permitted to perform a safety-sensitive function unless the alcohol test results are 0.04 or less and the controlled substances test is negative. A driver whose alcohol test results are between 0.02 and 0.04 cannot perform safety-sensitive functions until the next regularly scheduled duty period, but in no event less than 24 hours after the test.

2. Alcohol and controlled substances tests may be waived by the School Board for employees who have previously undergone testing as provided in the federal regulations.

E. Post-Accident Testing

1. As soon as practical after an accident, the School Board will test for alcohol and controlled substances any driver (i) who receives a ticket arising from the accident or (ii) who was performing safety-sensitive functions with respect to the vehicle, if the accident involved the loss of life.

2. A driver who is subject to post-accident testing shall remain readily available for such testing and shall not use alcohol for eight (8) hours after the accident or until he/she undergoes the alcohol test, whichever occurs first.

F. Random Testing

All drivers shall be subject to unannounced random alcohol and controlled substances tests. A driver who is notified of selection for random testing must proceed to the test site immediately, unless the driver is performing a safety-sensitive function, in which case the driver shall proceed to the site as soon as possible after ceasing to perform the function.

G. Reasonable Suspicion Testing

A driver shall be subject to alcohol or controlled substances testing when there is reasonable suspicion to believe the driver has violated the prohibitions in paragraphs C (1), (3), and (5) of this policy.

H. Return-to-Duty Testing

Before a driver returns to duty requiring the performance of a safety sensitive function after violating paragraph C of this policy, the driver shall undergo an alcohol test with a result indicating an alcohol concentration of less than 0.02 or a controlled substances test with a negative result.

I. Follow-up Testing

A driver who violates paragraph C of this policy and who is determined pursuant to this policy to be in need of assistance in resolving problems associated with alcohol misuse and for use of controlled substances shall be subject t o unannounced follow-up alcohol and controlled substances testing as directed by a substance abuse professional.

J. Referral, Evaluation and Treatment

    1. A driver who violates paragraph C of this policy shall be advised of the resources available to him/her in evaluating and resolving problems associated with the misuse of alcohol and the use of controlled substances. A drive r identified as needing assistance in resolving such problems shall be evaluated by a substance abuse professional to determine that the driver has properly followed any prescribed rehabilitation program. The evaluation and rehabilitation shall be provided by substance abuse professionals approved by the School Board and paid for by the driver.

    2. The provisions of this paragraph shall not apply to applicants for driver positions who violate paragraph C of this policy. Such persons shall not be employed.[ER4]

D K. Miscellaneous **Consent**

    1. The Superintendent shall promulgate regulations setting forth the procedures of complying with this policy and the federal regulations and shall provide copies of this policy and the regulations to each employee subject to this policy.[ER5]

    2. Each employee subject to this Ppolicy will sign a certificate of acceptance and consent to disclosure form acknowledging receipt of the policy and regulations and consenting to the disclosure by his/her former employer of information on the employee's alcohol tests with a concentration result of 0.04 or greater, positive controlled substances test results, and refusals to be tested, within the preceding two years.

    3. Nothing in this policy shall prohibit the dismissal or other disciplinary action against an employee pursuant to any other policy, regulation, ordinance or law. This policy is intended to supplement, and not supplant, any such other policy, regulation, ordinance or law.

    4. This policy is being adopted pursuant to the requirements of the Act. It is not intended to permit, nor shall it be construed as permitting, any employee to come to work under the influence of drugs or alcohol, regardless of the level. Such employees will be subject to disciplinary action, including dismissal, pursuant to **regulation 4-3.2**, **4-27.1** and **4-27.2**.

Legal Reference:

Omnibus Transportation Employee Testing Act of 1991 and its implementing regulations 49 C.F.R. Part 382.

U.S. Department of Transportation, Title 49, Part 40-Procedures for Transportation Workplace Drug and Alcohol Testing Programs: 49 CFR Part 40 in its entirety; Federal Motor Carrier Safety

Administration DOT, regulation, 49 CFR, Subpart A: Controlled Substances and Alcohol Use and Testing; section 382.101-382.605, as amended.

Code of Virginia §§ 54.1-3400, *et seq.*, as amended.

Editor's Notes

*See School Board **Regulation 4-22.1** for Drug and Alcohol Testing of Employees Holding a Commercial Driver's License.*

*See School Board **Regulation 4-27.1** for Use of Alcohol and Drugs/Tobacco Products.*

*See School Board **Regulation 4-27.2** for Drug-free Workplace.*

Adopted by School Board: December 6, 1994
Amended by School Board:

PERSONNEL

~~Student Teachers~~ Observation Students, Practicum Students, Student Teachers, and Interns

~~The superintendent, with the approval of the school board may enter into an agreement with institutions of higher learning for the purpose of training student teachers.~~

~~The guidelines for a student teacher program shall be as follows:~~

~~1. The school division will accept student teachers only from accredited institutions of higher learning.~~

~~2. The school administration will determine the maximum number of student teachers that can be accepted effectively in the school division during a given academic year. The superintendent shall be responsible for student teachers while they are in the school division.~~

~~3. Student teachers will be under the administrative direction of the principal of the school wherein they work.~~

~~4. The school administration will select supervising teachers from the staff who are professionally qualified and who have demonstrated superior skills.~~

~~5. The supervising teacher will continue to be legally and professionally responsible for the scholastic and personal welfare of his/her students.~~

~~6. The supervising teacher will have only one (1) student teacher per year.~~

~~7. Student teachers shall be subject to all the policies, rules and regulations of the school board and superintendent.~~

~~8. Student teachers shall receive no remuneration from the school board.~~

~~9. Supervising teachers shall receive no additional pay from the school board from supervising student teachers.~~

A. Purpose

To outline procedures for the placement of field-experience (observation) students, practicum students, student teachers, and interns

B. Application and Placement

1. Observation Students

Field-experience students who are observing in classrooms or who are assigned to other work sites to observe for short periods of time, shall be placed in accordance with procedures established with the institution of higher education and the Department of Human Resources.

2. Practicum Students and Interns – Non-instructional

Practicum students and interns seeking placement in technical positions that are not directly related to the instructional program, shall be placed in accordance with procedures established with the educational institution and the Department of Human Resources.

3. Practicum Students, Student Teachers, and Interns – Instructional

      a. Universities submit requests for student teachers and internship placements in Virginia Beach City Public Schools directly to the Department of Human Resources. Intern placements include administrative, psychologist, school counselors, social workers, and speech language pathologist. Direct requests from students are not accepted.

      b. Application for placement(s) shall be denied when the Chief Human Resources Officer, Department of Human Resources, or his/her designee judges them to be in conflict with the best interests of the School Division~~Virginia Beach City Public Schools~~.

      c. School Division~~Virginia Beach City Public Schools~~ employees who are fully endorsed in the areas of their current assignments and are seeking advanced degrees in those endorsement areas, may be observed by their colleges or university supervisors with the permission of their principals or program managers.

~~1.~~4. Supervision of Practicum Students, Student Teachers, and Interns

~~A.~~ C. School Division~~Virginia Beach City Public Schools~~ employees who serve as supervisors or cooperating teachers of practicum students, student teachers, or instructional interns shall meet the following minimum requirements:

      ~~a.~~ 1. Recommendation of the principal or director.

      ~~b.~~ 2. Willingness to serve as a role model and mentor.

      ~~c.~~a. 3. Have a licensure/endorsement in the teaching assignment for practicum students, student teachers, and instructional interns (school counselors, psychologist, speech and language pathologist, etc.) or an administrative endorsement for administrative interns (must have a Collegiate Professional or Post Graduate Professional five (5) year renewable teaching license.

      ~~d.~~ 4. Minimum of three (3) years of teaching/administrative experience as appropriate to student supervision assignment.

      ~~e.~~ 5. Minimum of one (1) year in the current teaching/administrative assignment.

~~B.~~ D. School Division~~Virginia Beach City Public Schools~~ employees who serve as supervisors for non-instructional interns shall meet the following minimum requirements:

      ~~a.~~b. Recommendation of the director.

b.c. Willingness to serve as a role model and mentor.

c.d. Minimum of three (3) years of experience as appropriate to student supervision assignment.

C. E. Honorariums from universities may be accepted in accordance with the following provisions:

a.e. Non-administrative supervisors and cooperating teachers may accept honorariums for personal use.

b.f. If the supervision of a practicum student, student teacher, or intern is divided among staff members, the honorarium shall be divided accordingly.

c.g. Administrative employees may not accept honorariums for their personal use but shall have them made payable to the Virginia Beach City Public Schools and credited to appropriate school or department codes to use in improving educational programs (e.g. in-service activities, consultants, materials, supplies, field trips, student activities, etc.).

2.5. Evaluation of Practicum Students, Student Teachers, and Interns

A. E. Instructional – Practicum Students, student teachers, and interns shall be evaluated jointly by their university site supervisor and the School Division cooperating teacher/administrator.

B. F. Non-Instructional – Practicum students, and interns shall be evaluated jointly by their university/technical school site supervisor and the cooperating School Division employee.

3.6. Tuberculin Test

Each assigned practicum student, student teacher, and intern shall meet state requirements regarding tuberculin tests.

4.7. Background Check Required

All practicum students, student teachers, and interns must have completed a background check through their university program prior to being assigned to a classroom or office in the School Division Virginia Beach City Public Schools.

If the school or university does not provide a background check process the student must provide personal descriptive information to the school division to obtain criminal history record information for the purpose of screening for placement in a classroom or work area in the School Division. The cost of the screening will be the responsibility of the student/intern.

Adopted by School Board: July 13, 1993 (Effective August 14, 1993)

STUDENTS

Extent of School Authority

A. **Generally**

~~Virginia law gives~~ Tthe Sschool Bboard is authorized ~~the power~~ to make reasonable rules for the governance of the schools and to regulate the conduct of students. ~~going to and returning from school.~~

B. **School Board and Parental/Guardian Responsibility**

The School Board will be responsible for maintaining good order and discipline of students while traveling to and from or attending school or school sponsored events. The Superintendent is authorized to take appropriate action against students who are not in compliance with compulsory attendance laws and regulations. The School Board may exercise jurisdiction over students for activities that happen off of school property, outside of school hours or days, and/or through online or social media when such activity disrupts or has the potential to disrupt the educational environment and the operation of school services. ~~The distinction between the responsibility that the School Division has for students and the responsibility that parents/legal guardians have for their children is difficult to define in situations occurring off of school property. These are situations in which students are not on school grounds and are not engaged in any school-sponsored activity, but they are either traveling to or from school or school-sponsored activities or they are maintaining the appearance of being a student of the School Division's schools.~~

~~1.~~ The following guidelines shall apply while:

   a. Students shall be under the jurisdiction of the rules and regulations governing school _____ ____activities while:

      1) in transit to and from school as a pedestrian~~;~~.

      2) in transit ~~route~~ to, from, or at the bus stop

      3) ~~and~~ while riding on a school bus, in a School Division vehicle, or a vehicle being _____ used for school activities;

      4) while using School Division equipment, computers, School Division provided online resources or networks;~~.~~

      5) while outside of school hours or school days if school administrators determine that the student's conduct causes or has the potential to cause substantial and material disruption to the educational environment or the operation of the school or School Division;

      6) when a student is the subject of investigation, arrest, petition for review, probation and sentencing for criminal conduct unrelated to school matters;

7) when public attention or scrutiny of the student causes or has the potential to cause substantial and material disruption to the educational environment; and

　　　8) when school authorities determine that there are unique circumstances that justify the need to take action against the student.

2.　Rules and regulations governing school-sponsored activities that occur off school property shall apply to all students who are either participants in the activity or are spectators. Such rules shall bear a reasonable relationship to the purpose and functions of the activity.

3.　For situations in which students are off school property and are not associated with a school-sponsored activity, the School Administration will exert its authority over students only insofar as the actions of such students could substantially disrupt the educational process in the schools or deprive other students of their right to an education both in the curricular and extra-curricular program.

1.　For all situations other than those covered in the above, the parents and legal guardians have full responsibility for minor children and adult students will be responsible for themselves. These situations where students are outside the scope of school authority include, but are not limited to, the following:
　　　a.　While a student is in transit to and from school in a private vehicle.
　　　b.　When a student leaves the school premises during lunch.
　　　c.　When a student absents himself/herself from the school property during the regular day without authorization from a school official.

Legal Reference:

Code of Virginia § 22.1-78, as amended. Bylaws and regulations.

1960-1961 Opinions of the Attorney General 274.

Adopted by School Board: October 21, 1969
Amended by School Board: August 21, 1990
Amended by School Board: July 16, 1991
Amended by School Board: July 13, 1993 (Effective August 14, 1993)
Amended by School Board: May 22, 2018

STUDENTS

False Fire Alarms/Bomb Threats/911 Calls/ Hoaxes-Imitation Infectious Biological, Toxic, or Radioactive Substances/Threat Assessments

A. **False Fire Alarms/Bomb Threats/911 Calls**

Activating a fire alarm without cause, making a false 911 emergency call, making a bomb threat, including false threats, against School Division personnel or School Board property, or encouraging, inciting, enticing, or soliciting any person to commit such a threat is unlawful and forbidden. Students guilty of this offense will be disciplined in accordance with the Code of Student Conduct and the Discipline Guidelines and shall be reported to Police.

A. **Threats Against a Person**

1. Written Threat: Communicating a written threat (including by electronic means), causing a reasonable apprehension of death or bodily harm, against any person or persons who are on the way to or from school, on school property, at any school-sponsored extra-curricular or related activity, on a school bus, or while at a school bus stop is prohibited. A student shall be in violation of this rule regardless of whether the person who is the object of the threat receives the threat, so long as a reasonable person would foresee that the statement would be interpreted, by those to whom the maker communicates the statement, as a serious expression of intent to harm or assault or it materially disrupts the learning environment, involves substantial disorder, or invasion of rights of others.

Oral Threat: Making an oral threat to do bodily harm to any employee or student of any school while on a school bus, or on the way to or from school, on school property, or at school-sponsored extra-curricular or related activity is prohibited. A student shall be in violation of this rule regardless of whether the person who is the object of the threat receives the threat, so long as a reasonable person would foresee that the statement would be interpreted, by those to whom the maker communicates the statement, as a serious expression of intent to harm or assault or it materially disrupts the learning environment, involves substantial disorder, or invasion of rights of other.

B. **Hoaxes – Imitation Infectious Biological, Toxic, or Radioactive Substance**

Students are forbidden from: threatening injury to the person or property of another by the use of an imitation infectious biological, toxic, or radioactive substance; use of an imitation infectious biological, toxic or radioactive substance in such a manner as to place any person in reasonable apprehension of death or bodily harm, or with the intent to disrupt or interfere with the operations of any school, school bus or school-sponsored extra-curricular event or activity; to possess, manufacture, sell, give or distribute an imitation infectious biological, toxic or radioactive substance with the intent to

place a person in reasonable apprehension of death or bodily harm; or to knowingly release or place, or cause or procure to be released or placed in, on or around any school, school bus, school event or school activity any imitation infectious biological, toxic, or radioactive substance with the intent to place any person in reasonable apprehension of death or bodily harm. Students violating this rule shall be disciplined in accordance with the Code of Student Conduct and the Discipline Guidelines and reported to Police.

2.1. Definitions

    a. "Imitation infectious biological substance" means a substance, in any form whatsoever, which is not an infectious biological substance and which:

        1) by overall appearance, including color, shape, size, marking, packing or by representations made, would cause a reasonable likelihood that such substance in any form whatsoever would be mistaken for an infectious biological substance; or

        2) by express or implied representation purports to act like an infectious biological substance.

    b. "Infectious biological substance" means any bacteria, virus, fungi, protozoa, or rickettsiae capable of causing death or serious injury.

    c. "Imitation toxic substance" means a substance, in any form whatsoever, which is not a toxic substance and which:

        1) by overall appearance, including color, shape, size, marking, packaging or by representations made, would cause a reasonable likelihood that such substance in any form whatsoever would be mistaken for a toxic substance; or

        2) by expressed or implied representation purports to act like a toxic substance.

    d. "Toxic substance" means any substance, including any raw materials, intermediate products, catalysts, final products, or by-products of any manufacturing operation conducted in a commercial establishment, that has the capacity, through its physical, chemical or biological properties, to pose a substantial risk of death or impairment either immediately or over time, to the normal

functions of humans, aquatic organisms, or any other animal.

e. "Imitation radioactive substance" means a substance, in any form whatsoever, which is not a radioactive substance and which:

1) by overall appearance, including color, shape, size, marking, packaging or by representations made, would cause a reasonable likelihood that such substance in any form whatsoever would be mistaken for a radioactive substance.

2) by expressed or implied representation purports to act like a radioactive substance.

f. "Radioactive substance" means any substance that emits ionizing radiation spontaneously.

Code of Virginia § 18.2-83, as amended. Threats to bomb or damage buildings or means of transportation; false information as to danger to such buildings, etc.; punishment; venue.

Code of Virginia § 18.2-84, as amended. Causing, inciting, etc., commission of act proscribed by § 18.2-83.

Code of Virginia § 22.1-79.4, as amended. Threat assessment teams and oversight committees.

Code of Virginia § 54-1-2400.1, as amended. Mental health service providers; duty to protect third parties; immunity.

City of Virginia Beach Ordinance #2674 adopted November 6, 2001 adding City Code Section 23.8.2 prohibiting certain uses of imitation infectious biological, toxic, or radioactive substances.

School Board Policy 6-75 Psychological Tests

Approved by Superintendent: July 16, 1991
Adopted by School Board: August 2, 2000
Amended by School Board: March 5, 2002
Amended by School Board: October 7, 2003
Amended by School Board: April 4, 2006
Revised by Superintendent: August 16, 2013

Amended by School Board: 2018

<u>**Threats**</u>

A.   Jurisdiction

Students may be disciplined for making or contributing to the making of threats against school personnel, students, volunteers or agents, school visitors, school vehicles, school communication devices, school property or property where a school is sponsoring an activity when such threat is communicated under any of the following circumstances:

1.   coming to and from school;

2.   on School Board provided transportation;

3.   on School Board property or at property used for School Board sponsored or approved activities;

4.   through School Board communication devices or School Board provided communication access or networks;

4.   outside of school hours or school days;

5.   from personal communication devices and networks; and

6.   off of school property.

B.   What constitutes a threat

A communication or behavior may be determined by school administrators to be a threat if a reasonable person would believe that the communication or behavior could result in violence, fear, apprehension for safety, or substantial and material disruption to the educational and work environment. School administrators may consider, but are not limited to, the following factors in determining whether a communication constitutes a threat:

1.   Nature of the communication or behavior- including timing and method;

2.   Recent or past history of similar threats including national or international events;

3.   Past educational, medical, psychological, and criminal history of student making communication;

4.   Reaction of School Division personnel, students, students' families, and community members;

5.   Media coverage;

6.   Information provided by outside agencies concerning the maker of the threat and matters outside of the School Division's jurisdiction;

7.   School Division resources required to investigate and/or respond to the threat;

8.   other good and just cause.

Intent or ability to carry out the threat is not a determining factor. Criminal charges or a pending criminal investigation are not determining factors for disciplining a student for threats.

C.   Discipline and threat assessment

The Superintendent or designee is authorized to develop regulations and procedures to discipline students for violations of this Policy and, as appropriate, refer students for a threat assessment.   Students may be disciplined for violations of this Policy up to long term suspension or expulsion. Appropriate limitations may be placed on the student's ability to access School Board transportation, property, communication devices and networks, and to use personal devices and communication systems at school or school sponsored events. The student may be reassigned to another school, home based or homebound placement, online educational services or private placement if the Superintendent or designee determines that the student's return to the school setting would or could constitute a safety issue or would cause substantial disruption to the educational or work environment. At the principal's or equivalent administrator's determination that the conduct that constituted a violation of this Policy has caused the student to no longer have the privilege of participating in special opportunities, a student may be removed from sports or extracurricular teams or clubs, specialized programs, academies and/or may be denied the opportunity to represent the school in other manners.

Legal reference:

Code of Virginia § 18.2-60, as amended. Threats of death or bodily injury to a person or member of his family; threats to commit serious bodily harm to persons on school property; penalty.

Code of Virginia § 18.2-83, as amended. Threats to bomb or damage buildings or means of transportation; false information as to danger to such buildings, etc.; punishment; venue.

Code of Virginia § 18.2-84, as amended. Causing, inciting, etc., commission of act proscribed by § 18.2-83.

Adopted by School Board: 2018

Threat Assessment Procedure

When a threat is reported, the principal or assistant principal or designee, as the leader of the school-based threat assessment team (i.e., principal or assistant principal, school resource officer, school psychologist, school counselor) should follow this procedure to assess the seriousness of the student's threat based on "Guidelines for Responding to Student Threats of Violence" by Dewey Cornell and Peter Sheras (2006, Sopris West Educational Services)

A.   Evaluate the threat.

The principal or designee investigates a reported threat by interviewing the student who made the threat and any witnesses to the threat and writing down the exact contents of the threat and statements made by each party. The principal or designee should consider the circumstances in which the threat was made and the student's intentions.

B.   Decide whether the threat is transient or substantive.

 Transient threats are defined as statements that do not express a lasting intent to harm someone and the student has no substantive intention of carrying out the threat. *Substantive* threats are defined as statements that express a continuing intent to harm someone that extends beyond the immediate incident or argument when the threat was made. Also consider the student's age, credibility, and previous discipline history.

C.   Respond to the transient threat.

Typical responses may include a reprimand, parent notification, or another disciplinary action based on the Code of Student Conduct and Discipline Guidelines. The student may be required to make amends, apologize, or provide an explanation that makes it clear that the threat is over. Transient threats, by definition, do not require protective action because there is no sustained intent to carry out the threat. If the threat is substantive or the meaning of the threat is not clear, continue to the next step.

D.   Decide whether the substantive threat is serious or very serious.

A *serious* threat involves a threat to assault someone. A *very serious* threat involves the use of a weapon or is a threat to kill, rape, or inflict severe injury on someone.

## E.	Respond to a serious substantive threat.

Take immediate precautions to protect potential victims, including notifying the intended victim and the victim's parents/legal guardians. Typical immediate protective actions may include: cautioning the student who made the threat about the consequences of carrying it out; providing direct supervision so that the student cannot carry out the threat while at school. Notify the student's parents/legal guardians to assume responsibility for supervising the student after he or she is returned to parental control. Consider involving the school resource officer or other law enforcement. Refer the student for counseling, dispute mediation, or another appropriate intervention. A mental health assessment by the school psychologist or other mental health professional may be considered (refer to 6 of this subsection for a brief description). The student making the threat will be disciplined in accordance with the Code of Student Conduct and the Discipline Guidelines.

## F.	Respond to a very serious substantive threat (conduct a safety evaluation).

The full threat assessment team should be involved in a very serious substantive threat. The term "very serious substantive threat" is reserved for only the most serious and dangerous threat situations. The team's investigation of the threat is termed a "safety evaluation" that should identify and carry out any actions necessary to reduce the risk of violence and to gather information relevant to whether the student can return to school. Take immediate precautions to protect potential victims, including notifying the victim and the victim's parents. Notify the student's parents/legal guardians. Consult with the school resource officer or other law enforcement. A mental health assessment should be conducted by the school psychologist or other mental health professional to assess the student's present mental state and determine whether there are urgent mental health needs that require immediate attention or if there are other treatment, referral, or support needs. Another purpose of the mental health assessment is to gather information on the student's motives and intentions in making the threat, to understand why the threat was made and to identify relevant strategies and interventions that have the potential to reduce the risk of violence. Permission from the parent/legal guardian is not needed to begin this assessment because of the immediate need to determine the safety of the student or others, but the parent/legal guardian should be notified promptly. Permission from the parent/legal guardian should be obtained if further assessment is needed. The student should also be disciplined as

appropriate according to the Code of Student Conduct and the Discipline Guidelines.

<u>Legal Reference:</u>

Code of Virginia § 22.1-79.4, as amended. Threat assessment teams and oversight committees.

Code of Virginia § 54-1-2400.1, as amended. Mental health service providers; duty to protect third parties; immunity.

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