

MINUTES
WEST VIRGINIA BOARD OF EDUCATION
Board Conference Room
Capitol Building 6, Room 353
1900 Kanawha Boulevard, East
Charleston, West Virginia
December 14, 2011

I. Call to Order

Following the welcome, introductions and Pledge of Allegiance, President L. Wade Linger Jr. called the meeting of the West Virginia Board of Education (WVBE) to order at 1:06 p.m. on December 14, 2011, in the Board Conference Room, Capitol Building 6, Room 353, 1900 Kanawha Boulevard, East, Charleston, West Virginia.

The following members were present: President Linger, Vice President Gayle C. Manchin, Secretary Robert W. Dunlevy, Michael I. Green, Priscilla M. Haden, Lloyd G. Jackson II, Lowell E. Johnson, Jenny N. Phillips and William M. White and ex officios Jorea M. Marple, State Superintendent of Schools, Brian E. Noland, Chancellor, West Virginia Higher Education Policy Commission, and James L. Skidmore, Chancellor, West Virginia Council for Community and Technical College Education. Student representative in attendance was Ronald "Trey" Lockhart of Iaeger, West Virginia, who attends Riverview High School (McDowell County).

II. Recognition

The Board recognized Chancellor Noland for his distinguished service and the accomplishments of the West Virginia Higher Education Policy Commission during his tenure.

III. SAS® Curriculum Pathways®

Mr. Bruce Friend (distributed information), Director, SAS® Curriculum Pathways®, presented information for the Board's information. (Copy appended to Official Minutes, Attachment X.)

IV. Delegations

Ms. Cathy Marino (distributed information), West Virginia Professional Educators (WVPE), addressed the Board regarding the WVPE's legislative agenda. Mr. Kevin McCoy (distributed information), President, West Virginia Family Foundation, Mr. Bradley Milam, Executive Director, Fairness West Virginia, Mr. Jeremy Dys, Family Policy Council of West Virginia, Ms. Barri Faucett, Project Director, Adolescent Suicide Prevention and Early Intervention, Ms. Alyson Clements, American Civil Liberties Union, Ms. Leslie Bakker, Parent (Kanawha County), Mr. Tom Fast, Private Citizen (Fayette County), Mr. Garry Dick, teacher, Cabell Midland High School, Ms. Emily Gerlach, Student (Kanawha County), and Mr. Ray Lambert (distributed information), Chairman, WV Family Foundation, addressed the Board regarding the proposed revision of Policy 4373, Expected Behavior in Safe and Supportive Schools. (Copies appended to Official Minutes, Attachment Y.)

V. Approval of Agenda

President Linger requested that *New Business* item *F. Policy 4373, Expected Behavior in Safe and Supportive Schools*, be moved to immediately follow the approval of the agenda. Dr. Johnson moved, and Mrs. Manchin seconded, that the agenda be approved with the requested amendment. Upon the call for the question the motion was unanimously carried.

VI. Policy 4373, Expected Behavior in Safe and Supportive Schools

Dr. Amelia Courts (distributed information), Assistant State Superintendent, Division of Educator Quality and System Support, presented Policy 4373 for the Board's consideration. Policy 4373 has been revised to update and enhance the existing Policy 4373, Student Code of Conduct, and to incorporate all behavior related policies into one policy. This revision repeals existing Policies 2421, Racial, Sexual, Religious/Ethnic Harassment and Violence; 2418, Regulations for Alternative Education Programs for Disruptive Students; 2422.5, Substance Abuse and Tobacco Control; and 4372, Student Handbook - Student Rights and Responsibilities. On September 8, 2011, the suggested revisions were placed on a 60 day period of public comment. At the conclusion of that period, 789 comments were received. A mix of positive responses and comments indicating need for additional revisions were received. In consultation with stakeholders, revisions were made to address suggested revisions; those revisions are submitted for consideration and approval.

Ms. Haden moved, and Dr. White seconded, that Policy 4373, as amended in response to comments received during the comment period, effective July 1, 2012, and repealed Policies 2421, 2418, 2422.5, and 4372, effective July 1, 2012 be approved. Upon the call for the question the motion was unanimously carried. (Copy appended to Official Minutes, Attachments R-1 and R-2 and addenda.)

**VII. Office of Education Performance Audits (OEPA)
Director's Information**

Dr. Gus Penix, Director of the Office of Education Performance Audits, provided information regarding OEPA activities.

**VIII. Initial Education Performance Audit Report for Burke Street
Elementary School, Berkeley County**

Dr. Penix reported that an announced on-site review was conducted at Burke Street Elementary School on November 3, 2011.

Upon the recommendation of Dr. Penix, Ms. Haden moved, and Mr. Dunlevy seconded, that the Burke Street Elementary School Performance report be approved. Upon the call for the question the motion was unanimously carried. (Copy appended to Official Minutes, Attachment A.)

IX. Break

President Linger called for a break at 2:23 p.m. Chancellor Noland departed the meeting.

X. Call to Order

President Linger called the meeting back to order at 2:41 p.m.

XI. Capacity Building for Low Performing Schools

Ms. Michele Blatt, Executive Director, West Virginia Department of Education (WVDE) Office of School Improvement, Mr. Ted Mattern, and Dr. Jack McClanahan, System Support Liaisons, Office of the State Superintendent, provided information regarding capacity building for the intervention counties and a number of low performing schools. Mr. Lockhart addressed the Board regarding the attendance and graduation rates, dual credit courses, staff vacancies and housing in McDowell County. (Copy appended to Official Minutes, Attachments B-1 through B-7.)

XII. Consent Agenda

The Board approved the Consent Agenda by acclamation. (Copies appended to Official Minutes, Attachments C through K.)

- Meeting minutes of November 8, 2011 (Attachment C)
- Amendment of the Lincoln County Comprehensive Educational Facilities Plan (CEFP) to include the addition of a new project that is currently not found in its CEFP. This project includes removing windows at Ranger Elementary and replacing them with new energy efficient windows, meeting current fire escape requirements (Attachment D)
- Crisis Response Template (Attachment E)
- Appointments to the West Virginia Commission for Professional Teaching Standards (Attachment F)
- Fourteen first-time requests for a waiver of WVBE policy (Attachment G)
- Employment of Substitute Teachers and Retired Teachers as Substitutes in Areas of Critical Need and Shortage Policies, school year 2011-2012, for Lincoln County (Attachment H)
- Notification, per Senate Bill 227, W. Va. Code §18A-4-7a, Transfer of Teachers After Five Days Prior to Starting Instruction, from Taylor County Schools (Attachment I)
- Medicaid Reimbursement FY11 Annual Report (Attachment J)
- Appointments to County Board Member Training Standards Review Committee (TSRC) (Attachment K).

XIII.

Board Reports

Education Efficiency Audit. President Linger provided an update regarding the Governor's Education Efficiency Audit. Chancellor Skidmore departed the meeting.

WVBE Professional Development Committee. Dr. Johnson provided information regarding the committee's December 12 meeting.

Board Member Reports. Dr. Johnson, recipient of the Walter G. Turner Award, thanked the RESAs for their nomination, and reported that he attended a WVDE Innovation Zone committee meeting and requested an item be placed on the January agenda to approve Innovation Zone applications); Ms. Haden attended meetings of the Education Alliance, Justice Task Force, School Building Authority, National Council for Civic Literacy, and West Virginia School Boards Association Training Standards Review Committee meeting and judged Senate Youth Program and We the People applications; Mr. Dunlevy, participated in a meeting of a Policy 4373 stakeholders group and SSAC meeting; Dr. White will participate on a National Association of State Boards of Education (NASBE) study group, participated in a NASBE sponsored interview session regarding Common Core, has begun meeting with the RESA 1 Executive Director twice a month; Mrs. Manchin attended a meeting of West Virginia School Boards Association Training Standards Review Committee and provided information regarding the new director of NASBE; Ms. Phillips attended many of the meeting previously mentioned; Mr. Jackson attended meetings of the Clay Center Board, NAGBY Business Policy Task Force and Benedum Foundation.

XIV.

State Superintendent's Report

Superintendent Marple presented WVDE personnel items for the Board's information, provided, brief remarks regarding pre-k programs, and requested Mr. Charles K. Heinlein, Deputy State Superintendent, address the Board regarding a request for support of the Community Development School Pilot Demonstration Project and Improving Outcomes for At-Risk Youth. Following Mr. Heinlein's remarks Ms. Haden moved, and Mr. Dunlevy seconded that a letter, signed by President Linger, be issued to the Governor in support of the Community Development School Pilot Demonstration Project and Improving Outcomes for At-Risk Youth. Upon the call for the question the motion was unanimously carried. (Copy appended to Official Minutes, Attachments L and M.)

Update on National Assessment of Educational Progress (NAEP) Results. Dr. Marple introduced Mr. Juan D'Brot (distributed information), Executive Director, WVDE Office of Assessment and Accountability, who presented an update regarding NAEP results. (Copy appended to Official Minutes, Attachment Z.)

Following Mr. D'Brot's remarks President Linger moved, with the Board's approval, *New Business* item *D. Reapproval of Initial Teacher Preparation Licensure Programs Aligned to the West Virginia Professional Teaching Standards (WVPTS) and International Society for Technology (ISTE) in Education Standards*, to be immediately taken up due to the lateness of the hour and guests present from schools named in the item.

**XV. Reapproval of Initial Teacher Preparation Licensure Programs
Aligned to the West Virginia Professional Teaching Standards (WVPTS)
and International Society for Technology (ISTE) in Education Standards**

Dr. Courts and Ms. Lori Wiggins, Executive Director, WVDE Office of Professional Preparation, presented the reapproval of initial teacher preparation licensure programs aligned to the West Virginia Professional Teaching Standards (WVPTS) and International Society for Technology (ISTE) in education standards for the Board's consideration. Twenty institutions of higher education with state-approved teacher preparation programs have completed a self-study and have realigned initial teacher preparation programs to the WVPTS and ISTE standards, as specified in Policy 5100. Peer review teams have recommended to the EPPRB that the programs be recommended for reapproval based upon verification that the professional education course objectives reflect alignment to the WVPTS and ISTE and that the institutions have an assessment plan, aligned to the WVPTS, for collecting data around teacher candidate performance. The EPPRB has approved the initial teacher preparation programs based upon the findings of the review team Recommendation Reports for Appalachian Bible College, Salem International University, West Virginia University-Parkersburg, and Wheeling Jesuit University. Dr. Craig McClellan, Dean of Education at Salem International University, and Dr. Cynthia Gissy, Chair of the Division of Education and Humanities at West Virginia University-Parkersburg, addressed questions from the Board.

Mrs. Manchin moved, and Mr. Dunlevy seconded, that the realigned initial teacher preparation programs of Appalachian Bible College, Salem International University, West Virginia University-Parkersburg, and Wheeling Jesuit University be approved. Upon the call for the question the motion was unanimously carried. (Copy appended to Official Minutes, Attachment Q.)

XVI. Recess

President Linger recessed the meeting at 4:43 p.m. and announced that the meeting would reconvene on December 15, 2011, at 9:00 a.m. in the same location.

XVII. Reconvene

President Linger reconvened the meeting of December 14, 2011, at 9:00 a.m. on December 15, 2011, in the Board Conference Room, Capitol Building 6, Room 353, 1900 Kanawha Boulevard, East, Charleston, West Virginia.

The following members were present: President Linger, Vice President Gayle C. Manchin, Secretary Robert W. Dunlevy, Michael I. Green, Priscilla M. Haden, Lloyd G. Jackson II, Lowell E. Johnson, and Jenny N. Phillips and ex officio Jorea M. Marple, State Superintendent of Schools. Student representative in attendance was Ronald "Trey" Lockhart of Iaeger, West Virginia, who attends Riverview High School (McDowell County). Members absent were William M. White and ex officios Brian E. Noland, Chancellor, West Virginia Higher Education Policy Commission, and James L. Skidmore, Chancellor, West Virginia Council for Community and Technical College Education.

XVIII. State Superintendent's Report (Continued)

WVBE Student Representative. Mr. Lockhart addressed the Board regarding his expectations as student representative.

Higher Education Incorporation of Leadership and Counselor Standards into Preparation Programs. Dr. Marple, assisted by Ms. Wiggins, provided an update regarding higher education's incorporation of leadership and counselor standards into preparation programs.

Broadband Update. Dr. Marple, assisted by Ms. Brenda Williams (distributed information), Division Leader, WVDE Office of Instructional Technology, presented an update regarding broadband. By consensus, the Board requested that the State Superintendent hold another meeting with, and issue a letter to, the appropriate entities stating the Board's concerns regarding the lack of progress with regard to broadband. (Copies appended to Official Minutes, Attachment AA.)

Superintendent Marple provided a brief update regarding Department activities and discussion ensued regarding Advanced Placement.

XIX. Resolution Authorizing the State Superintendent to Enter into a Lease-Purchase Agreement on behalf of Gilmer County

Ms. Heather Deskins, General Counsel to the WVBE and WVDE, presented a Resolution Authorizing the State Superintendent to Enter into a Lease-Purchase Agreement on behalf of Gilmer County for the Board's consideration. The resolution is for the purchase of three modular units that Gilmer County Schools has been renting from Williams Scotman at Normantown Elementary for the past three years with financing through Country Roads Leasing.

Dr. Johnson moved, and Ms. Haden seconded, that a resolution authorizing the State Superintendent to enter into a lease-purchase agreement on behalf of Gilmer County to purchase three modular units be approved. Upon the call for the question the motion was unanimously carried. (Copy appended to Official Minutes, Attachment Mc.)

XX. Rescission of Resolution Authorizing the State Superintendent to Enter into a Lease-Purchase Agreement on behalf of McDowell County and Approval of Resolution Authorizing the State Superintendent to Enter into a Lease-Purchase Agreement on behalf of McDowell County

Ms. Deskins presented: 1) the rescission of a resolution passed by the WVBE on September 7, 2011, approving a lease-purchase agreement on behalf of the McDowell County Board of Education for financing a guaranteed energy-savings contract by First Security Financing, Inc., not to exceed six million dollars; and, 2) adoption of a resolution authorizing the McDowell County Board of Education to enter into a lease purchase agreement for the financing of a guaranteed energy-savings contract that includes acquisition of HVAC equipment, lighting and windows in the amount of no more than 2.2 million dollars for the Board's consideration.

Ms. Haden moved, and Mrs. Manchin seconded, that the resolution authorizing the State Superintendent to enter into a lease-purchase agreement on behalf of McDowell County approved September 7, 2011, for financing a guaranteed energy-savings contract by First Security Financing, Inc., and not to exceed six million dollars be rescinded. Upon the call for the question the motion was unanimously carried.

Ms. Haden moved, and Ms. Phillips seconded, that a resolution authorizing the State Superintendent to enter into a lease-purchase agreement on behalf of McDowell County for financing a guaranteed energy-savings contract that includes acquisition of HVAC equipment, lighting and windows in the amount of no more than 2.2 million dollars be approved. Upon the call for the question the motion was unanimously carried. (Copy appended to Official Minutes, Attachment N.)

XXI. Approval of Teacher Preparation Program at West Virginia Wesleyan College

Ms. Wiggins presented an educator preparation endorsement program submitted by West Virginia Wesleyan College for a Middle School Science Endorsement (5-9) for the Board's consideration. This program leads to an additional endorsement for General Science 5-9 on a Professional Teaching Certificate. The Educator Preparation Program Review Board (EPPRB) finds that the endorsement program submitted meet the standards specified in WVBE Policy 5100 and recommends approval. Mr. Jackson abstained from voting as he is chair of the West Virginia Wesleyan College Foundation and departed the room for the discussion and vote.

By acclamation the Board approved the educator preparation endorsement program submitted by West Virginia Wesleyan College for a Middle School Science Endorsement (5-9). (Copy appended to Official Minutes, Attachment O.)

XXII. Policy 2520.5, Next Generation Health Education 5-12 Content Standards and Objectives for West Virginia Schools

Dr. Courts presented Policy 2520.5 for the Board's consideration. Policy 2520.5 has been revised to incorporate Policy 2422.45 - "Exclusion from AIDS and STDS Instruction", thus eliminating the need for two separate policies (Policy 2422.45 will be repealed). This process has also provided an opportunity to review and update the entire Health CSOs Document. A team of health teachers were enlisted to review the document and make suggested revisions. At the Board's October 2011 meeting the suggested revisions were placed on public comment for 30 days. At the conclusion of the comment period, 14 comments were received; all comments received were positive responses to the proposed revisions.

Mrs. Manchin moved, and Ms. Phillips seconded, that Policy 2520.5 be approved, effective July 1, 2012, and that Policy 2422.45, be repealed effective July 1, 2012. Upon the call for the question the motion was unanimously carried. (Copy appended to Official Minutes, Attachment R-1 and R-2.)

XXIII. Policy 2419, Regulations for the Education of Students with Exceptionalities

Mr. Robert E. Hull (distributed information), Associate State Superintendent, Division of Curriculum and Instructional Services, and Ms. Pat Homberg, Executive Director, WVDE Office of Special Programs, presented Policy 2419 for the Board's consideration. Policy 2419 establishes the regulations for compliance with the federal Individuals with Disabilities Education Act of 2004 (IDEA 2004), and West Virginia Code, Chapter 18, Article 20 regarding provision of services to students with exceptionalities. The policy is formatted to include the West Virginia Procedures Manual for the Education of Students with Exceptionalities. Policy 2419 is being revised to address a state code requirement, WVBE and department initiatives and clarifications of existing policy. To comply with federal requirements, the policy must be published for public review and comment for sixty days. Public hearings will be conducted during the comment period.

By acclamation the Board placed Policy 2419 on public comment for 60 days beginning December 16, 2011. (Copy appended to Official Minutes, Attachment S and addendum.)

XXIV. Appointments to WVBE Statutory Units/Liaisons/Presidential Committees 2011-2012

President Linger called for Board members to volunteer to serve as the chair and members of a Board Wellness Committee. Mrs. Manchin volunteered to serve as chair and Mr. Dunlevy, Mr. Green and Ms. Haden (as alternant) volunteered to serve members.

President Linger called for a Board member to volunteer to serve on the Commission on Holocaust Education (W. Va. Code §5-28-2 requires that the Board select two members currently serving on the WVBE to serve on the Commission on Holocaust Education). President Linger volunteered to serve on the Commission on Holocaust Education.

By acclamation the Board appointed President Linger to the Commission on Holocaust Education

XXV. Break

President Linger called for a break at 10:22 a.m.

XXVI. Call to Order

President Linger called the meeting back to order at 10:42 a.m.

XXVII. WVBE Personnel Matters

President Linger stated that the *employment of Wendi Durst* must be removed from consideration and called for a motion to approve the Board's personnel items as amended. Dr. Johnson moved, and Ms. Phillips seconded, that the Board's personnel items be approved as amended. Upon the call for the question the motion was unanimously carried. (Copy appended to Official Minutes, Attachment T.)

**XXVIII. Policy 2200, Local School Improvement Councils:
Engaging Parents, Families, Students, Business and Community in Education**

President Linger called for a motion to remove Policy 2200 from the table. Thereupon Ms. Haden moved, and Ms. Phillips seconded, that Policy 2200 be removed from the table. Upon the call for the question the motion was unanimously carried.

Mrs. Manchin presented Policy 2200 for the Board's consideration. Policy 2200 has been revised to incorporate the role of Local School Improvement Councils in supporting schools, school improvement and innovation. The revision will repeal and replace Policy 2200, Parent, Family and Community Involvement in Education. On September 8, 2011, the suggested revisions were placed on public comment for 30 days. At the end of the comment period, nine comments were received from two individuals. One comment was a positive response and resulted in one edit to the policy.

Mrs. Manchin moved, and Ms. Phillips seconded, that Policy 2200 be approved. Ms. Betty Jo Jordan, Executive Assistant to the State Superintendent, provided a brief virtual tour of LSIC information found on the WVDE's website and discussion ensued regarding Policy 2200. Upon the call for the question the motion was unanimously carried. (Copy appended to Official Minutes, Attachments U-1 and U-2.)

XXIX. McDowell County Schools: Covenant of Commitment

Ms. Randi Weingarten (distributed information), President, American Federation of Teachers, addressed the Board regarding the proposed Covenant of Commitment for McDowell County Schools. (Copy appended to Official Minutes, Attachment BB.)

XXX. Partnership for McDowell County Schools: Covenant of Commitment

Mrs. Manchin presented the Partnership for McDowell County Schools: Covenant of Commitment for the Board's consideration. The Partnership for McDowell County Schools reflects a covenant of commitment from various stakeholders to develop a multi-faceted plan of action including, but not limited to: education, services for students and their families, transportation, technology, housing, jobs and economic development.

Mrs. Manchin moved, and Ms. Phillips seconded, that the Covenant of Commitment be approved. Upon the call for the question the motion was unanimously carried. (Copy appended to Official Minutes, Attachment V.)

XXXI. Board Items for Future Consideration

President Linger asked the Board if there were requests from members for items for inclusion on the January agenda. The following items were requested: 1) invitation to The College Board for a discussion regarding Advanced Placement, 2) approval of Innovation Zone Applications, 3) approval of Professional Development Goals, 4) discussion regarding funding for the recertification of National Board Certified teachers. It was the consensus of the Board that a special meeting be convened upon the official release of Governor's education audit report

and that an agenda item be included on the special meeting agenda regarding the Southern Regional Education Board's report – *A New Mission for the Middle Grades, Preparing Students for a Changing World* and the request that a Commission on Middle Schools be established. Dr. Johnson stated that he would convene a meeting of the Board's Strategic Planning Committee prior to the Board's January meeting. (Copy appended to Official Minutes, Attachment W.)

XXXII. Future Meetings

The next meeting of the Board will be held January 11, 2012, in Charleston, West Virginia. The meeting will continue on January 12, 2012, if the agenda is not completed on January 11, 2012.

XXXIII. Adjournment

President Linger declared the meeting adjourned at 11:29 a.m.

Minutes approved by the Board on January 11, 2012.

L. Wade Linger Jr., President

Robert W. Dunlevy, Secretary