



Lynchburg City Schools • 915 Court Street • Lynchburg, Virginia 24504

Lynchburg City School Board

Regina T. Dolan-Sewell
School Board District 1

Mary Ann Hoss
School Board District 1

Michael J. Nilles
School Board District 3

Jennifer R. Poore
School Board District 2

Katle Snyder
School Board District 3

Treney L. Tweedy
School Board District 3

J. Marie Waller
School Board District 2

Thomas H. Webb
School Board District 2

Charles B. White
School Board District 1

School Administration

Scott S. Brabrand
Superintendent

William A. Coleman, Jr.
Assistant Superintendent of
Curriculum and Instruction

Ben W. Copeland
Assistant Superintendent of
Operations and Administration

Anthony E. Beckles, Sr.
Chief Financial Officer

Wendle L. Sullivan
Clerk

SCHOOL BOARD MEETING
September 3, 2013 5:30 p.m.
School Administration Building
Board Room

A. PUBLIC COMMENTS

- 1. Public Comments
Scott S. Brabrand. Page 1
Discussion/Action (30 Minutes)

B. CONSENT AGENDA

- 1. School Board Meeting Minutes: August 20, 2013 (Regular Meeting)

C. STUDENT REPRESENTATIVE COMMENTS

D. UNFINISHED BUSINESS

- 1. Crisis Plans
Ben W. Copeland. Page 2
Discussion/Action
- 2. School Board Policy 7-15: Student Attendance
Ben W. Copeland. Page 3
Discussion/Action
- 3. Capital Improvement Plan: Heritage High School
Ben W. Copeland. Page 9
Discussion

E. NEW BUSINESS

- 1. Virginia School Boards Association and Norfolk Public
Schools Suit to Invalidate OEI Legislation
Regina T. Dolan-Sewell Page 10
Discussion

F. SUPERINTENDENT'S COMMENTS

G. BOARD COMMENTS

H. CLOSED MEETING

- 1. Notice of Closed Meeting
Scott S. Brabrand. Page 14
Discussion/Action

- 2. Certification of Closed Meeting
Scott S. Brabrand.Page 15
Discussion/Action

I. INFORMATIONAL ITEMS

Next School Board Meeting: Tuesday, September 17, 2013, 5:30 p.m.
Board Room, School Administration Building

J. ADJOURNMENT

Agenda Report

Date: 09/03/13

Agenda Number: A-1

Attachments: No

From: Scott S. Brabrand, Superintendent

Subject: Public Comments

Summary/Description:

In accordance with School Board Policy 1-41: Public Participation, the school board welcomes requests and comments as established in the guidelines within that policy. Individuals who wish to speak before the school board shall have an opportunity to do so at this time.

Disposition: Action
 Information
 Action at Meeting on:

Recommendation:

The superintendent recommends that the school board receive this agenda report as an informational item.

Agenda Report

Date: 09/03/13

Agenda Number: D-1

Attachments: No

From: Scott S. Brabrand, Superintendent
Ben W. Copeland, Assistant Superintendent of Operations and Administration

Subject: Crisis Plans: 2013-14

Summary/Description:

Pursuant to the Code of Virginia §22.1-279.8, each school board shall ensure that every school develops a written school crisis, emergency management, and medical emergency response plan. The school must also review the plans on an annual basis.

On August 20, 2013, the school administration provided the school board with information about the process for updating the crisis plans for each school and indicated that the plans would be completed and submitted to the Virginia Department of Education by August 30, 2013. The school board has received a copy of those plans, and the school administration requests that they be approved during this presentation.

Disposition: **Action**
 Information
 Action at Meeting on:

Recommendation:

The superintendent recommends that the school board approve the crisis plans for 2013-14.

Agenda Report

Date: 09/03/13

Agenda Number: D-2

Attachments: Yes

From: Scott S. Brabrand, Superintendent
Ben W. Copeland, Assistant Superintendent of Operations and Administration

Subject: School Board Policy 7-15: School Attendance

Summary/Description:

Several changes have been made to School Board Policy 7-15: School Attendance. The school administration reviewed those changes during the August 20, 2013, school board meeting. The school administration requests that the school board approve revisions to the policy during this presentation.

Disposition: **Action**
 Information
 Action at Meeting on:

Recommendation:

The superintendent recommends that the school board approve School Board Policy 7-15: School Attendance.

STUDENTS

Student Attendance P 7-15

Lynchburg City Schools believes that school attendance is directly related to academic achievement and to the development of good habits that are important in the work world. Optimum student attendance is a cooperative effort, and Lynchburg City Schools expects parents and students to take active roles in accepting that responsibility.

Each principal shall ensure that teachers are accountable for checking and documenting attendance daily/by period; communicating and documenting contact with a student's parents, school counselor, and administrator if poor attendance is affecting the student's performance; and accurately verifying regular attendance reports. Reasonable efforts to notify a parent or guardian should be made when a student has an unexcused absence.

Compulsory school attendance is required by the Code of Virginia § 22.1-254. The Code states that every parent or guardian having control or charge of any student five to 18 years old shall be responsible for such student's regular punctual attendance at school. School attendance is the responsibility of the students and their parent(s) or guardian. At the elementary level, attendance shall be documented daily, and in the secondary schools attendance shall be documented each class period.

A. Absences

1. Excused absences will only be granted for the following reasons:
 - a. Personal illness written excuses should contain a description of the illness.
 - b. Personal required court appearance with documentation from the court
 - c. Death or serious illness in immediate family as defined by Administrative Regulation 5-38. Principal will also consider each individual case and any extenuating circumstances
 - d. Medical condition or appointment verified by a note from a medical professional or dentist
 - e. Religious holiday
 - f. Conditions beyond the control of the student, parent/guardian, or the school as approved by the school administration
2. College visits on regularly scheduled school days should be limited to two school days per school year. These approved visits are limited to high school juniors and seniors. The two school days will be counted as excused absences.
3. Unexcused absences are those that result from the following:

STUDENTS

Student Attendance (continued)

- a. Any absence that does not meet the conditions of an excused absence.
 - b. Absences will be unexcused if notes signed by the parent or guardian are not received by the school within ~~one~~ **{two}** school days of the student's return to school even if the parent or guardian has called. E-mail will be accepted for a note **{within two days of student's return}**.
 - c. Any absence that is the result of a suspension from school-does not count toward truancy.
4. An approved school-sponsored event will not be counted as an absence.
 5. Students who do not complete one-half of their school day will be counted as absent. Whether such absence will be deemed excused or unexcused shall be determined by the criteria set forth in sections A. 1. and A. 2.
 6. Pre-planned Absences
 - a. The parent/guardian must request approval in writing for pre-planned **{excused}** absence by filing a request in advance with the principal/designee. Principals ~~may~~ **{will}** grant approval for pre-planned absences up to five days per student during the school year. ~~These absences would be excused only if they meet the definition of any excused absence in Section A.~~ Students are expected to make up missed work. Such requests will be signed and filed by the principal/designee. Planned absences of this nature are highly discouraged as they could adversely affect student performance.
 - b. If approval for more than five days is sought, a ~~petition~~ **{request}** must be filed with the superintendent or his designee. If approved, these absences would be excused. Students are expected to make up missed work. Planned absences of this nature are highly discouraged as they could adversely affect student performance.
 7. Procedures for documenting a student's absence by a parent or guardian
 - a. Upon a student's return to school, the student shall bring a note signed by the parent/guardian to explain the reasons for the absence and the dates of the absence. The school should receive the note on the day of the student's return to school. E-mail will be accepted for a note.

STUDENTS

Student Attendance (continued)

- b. Absences will be unexcused if notes are not received by the school within two school days of the student's return to school even if the parent has called.

8. Make-up Work

- a. It is the responsibility of the middle school or high school student to see the teacher on the day he or she returns to school to receive assignments and schedule make-up work at the teacher's convenience. Elementary school teachers will provide assignments upon the student's return to school.
- b. All work must be completed within three school days from return to school or as agreed upon with the teacher/principal.
- c. Students have the opportunity and are encouraged to complete make-up work regardless of the reason for the absence, a parent may request assignments. The assignments should be available at the end of the school day following that request depending upon teacher availability.

B. Tardiness or Early Dismissal

- 1. In all cases of tardiness to school or early dismissals, students must present that day a written note from a parent/guardian to the school stating the reason for the tardiness or early dismissal. Excused tardies/early dismissals are granted only for the following reasons:
 - a. Personal illness (written excuses should contain a description of the illness)
 - b. Personal required court appearance with documentation from the court
 - c. Death or serious illness in immediate family as defined by Administrative Regulation 5-38. Principal will also consider each individual case and any extenuating circumstances
 - d. Medical condition or appointment verified by a medical professional or dentist
 - e. Religious holiday
 - f. Conditions beyond the control of the student, parent/guardian, or the school as approved by the school administration
- 2. When tardy, the student must go to the school office to obtain a pass to class.

STUDENTS

Student Attendance (continued)

3. Students who accumulate a combination of five unexcused tardies or early dismissals per semester will receive an overnight suspension/mandatory parent conference. In addition, students could face further disciplinary action or other sanctions after each subsequent tardy or early dismissal.
4. Students who arrive late or leave early are missing instructional time. When possible, appointments need to be scheduled so that they do not conflict with school hours. Students who do not complete one-half of their school day will be counted as absent. Whether such absence will be deemed excused or unexcused shall be determined by the criteria set forth in sections A 1. and A 2.

C. Truancy – Elementary Schools, Middle Schools, and High Schools

Regular prompt attendance is required for students to make academic progress. Students must have academic credit to graduate. (Refer to School Board Policy 7-28 regarding requirements for graduation.)

Regulations governing the attendance policy are as follows:

1. If a student is absent five days (unexcused) during the semester, the parents will be sent a letter which will indicate an attendance problem, and a conference with the parent/guardian will be required. The principal/designee shall make a reasonable effort to ensure that direct contact is made with the parent, either in person or through telephone conversation, to obtain an explanation for the pupil's absence and to explain to the parent the consequences of continued nonattendance. The principal/designee, the pupil, and the pupil's parent/guardian shall jointly develop a plan to resolve the pupil's nonattendance. Such plan shall include documentation of the reasons for the pupil's nonattendance.
 - a. If these attempts to improve attendance are not successful, and a student has missed seven days of unexcused absences, a referral will be made to the department of student services.
 - b. The department of student services will review truancy referrals, contact parents, send a letter from the city attorney's office, and make referral to the Juvenile and Domestic Relations Court.
 - c. The Interagency Truancy Review Team will make a reasonable effort to meet with the parent and student to develop recommendations prior to the case being heard by the Juvenile Court.
 - d. Students who are absent more than 15 days in a semester will be subject to an administrative review with alternative school placement considered.

STUDENTS

Student Attendance (continued)

2. If a student is absent 10 days (excused) for the semester, the school may notify the parent/guardian and the student that they need to attend a truancy review conference. Parent/guardian may be required to provide medical documentation for any additional absences.
3. Students absent 15 consecutive days from school are dropped from the school's attendance roll. The principal or designee shall make a reasonable effort to notify the parent/guardian by telephone and in writing that the student has been dropped from the roll. 8 VAC20-110-130. The school shall notify the Department of Student Services when a student is withdrawn because of 15 consecutive days of unexcused absences.

D. Policy Distribution

All schools will distribute a copy of the attendance policy to each student within the first few days of school and/or through newsletters to parents. The policy will be discussed in classrooms with students.

E. Appeals

Appeals concerning the application of this policy will be directed to the school principal/designee. Further appeals may be initiated through the Department of Student Services.

Legal Reference:

Code of Va., § [22.1-253.13:7](#).

Code of Va. § 22.1-254.

Code of Va., § 22.1-258.

Code of Va., § [22.1-260](#).

Code of Va. § 22.1-261.

Code of Va. § [22.1-262](#)

Code of Va. § [22.1-263](#)

Approved by School Board: July 15, 1980

Revised by School Board: June 1, 1993

Revised by School Board: July 1, 1997

Revised by School Board: August 10, 1999

Revised by School Board: August 7, 2007

Revised by School Board: July 8, 2008

Revised by School Board: August 7, 2012

Revised by School Board: October 1, 2012

Agenda Report

Date: 09/03/13

Agenda Number: D-3

Attachments: No

From: Scott S. Brabrand, Superintendent
Ben W. Copeland, Assistant Superintendent of Operations and Administration

Subject: Capital Improvement Plan: Heritage High School

Summary/Description:

Representatives from Downey & Scott will provide the school board with a cost estimate for the Heritage High School construction project.

Disposition: Action
 Information
 Action at Meeting on:

Recommendation:

The superintendent recommends that the school board receive this agenda report as an information item.

Agenda Report

Date: 09/03/13

Agenda Number: E-1

Attachments: No

From: Regina T. Dolan-Sewell, Chairman

Subject: Virginia School Boards Association and Norfolk Public Schools Suit to Invalidate OEI Legislation

Summary/Description:

The Virginia School Boards Association (VSBA) and Norfolk Public Schools have filed a suit in the Circuit Court for the City of Norfolk requesting that the Court invalidate the legislation enacted during the 2013 Session of the Virginia General Assembly that created the Opportunity Educational Institution (OEI) and the Opportunity Educational Institution Board. The joint press release issued by VSBA and Norfolk Public Schools appears as an attachment to this agenda report.

In an effort to support this action, the VSBA has developed a resolution for local school boards to consider. That resolution also appears as an attachment to this agenda report. During this presentation, the school board will discuss the suit filed by the VSBA and Norfolk Public Schools and the resolution.

Disposition: Action
 Information
 Action at Meeting on: 09/17/13

Recommendation:

The superintendent recommends that the school board receive this agenda report as an information item and consider action at the September 17, 2013, school board meeting.



Norfolk Public Schools
The cornerstone of a proudly diverse community

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Joint News Release

For Immediate Release

VIRGINIA SCHOOL BOARDS ASSOCIATION AND NORFOLK PUBLIC SCHOOLS FILING SUIT TO INVALIDATE OEI LEGISLATION

Opportunity Educational Institution (OEI) Violates Virginia Constitution

Norfolk, VA (August 21, 2013) – The Virginia School Boards Association (VSBA) and Norfolk City School Board are filing suit in the Circuit Court for the City of Norfolk requesting the Court to invalidate the legislation enacted by the General Assembly at its 2013 session creating the Opportunity Educational Institution (OEI) and the Opportunity Educational Institution Board. The Norfolk City School Board authorized the suit at today’s board meeting, and the suit will be filed in the near future.

“The Virginia School Boards Association and Norfolk City School Board request the court to declare the OEI legislation unconstitutional and to enjoin the OEI Board from taking any action to implement the legislation,” said Barbara Coyle, VSBA executive director.

What is the Opportunity Educational Institution (OEI)

The legislation declares the OEI to be a “statewide school division” administered and supervised by the OEI Board, which is declared to be a policy board in the executive branch of state government and an educational institution under Title 23 of the Code of Virginia, which relates to institutions of higher education. The legislation requires the OEI Board to take over the supervision and operation of any school in a local school division that has been denied accreditation and it permits the OEI Board to take over the supervision and operation of any school that has been accredited with warning for three consecutive years. The legislation further authorizes the OEI Board to require any school in a local school division that is in its third year of being accredited with warning to provide it with such information and documentation as the OEI Board deems appropriate.

Why is OEI Unconstitutional?

The Virginia School Boards Association and Norfolk School Board challenge the OEI legislation on two primary grounds.

1. The legislation violates Article VIII, Section 7, of the Constitution of Virginia, which provides that “the supervision of schools in each school division shall be vested in a school board.”

2-2-2-2/VSBA & NPS LAWSUIT

The OEI Board is not a school board. Rather, the legislation declares that the OEI Board to be a policy board in the executive branch of government and an education institution falling under Title 23 of the Code of Virginia, which relates to institutions of higher education.

2. The legislation violates Article VIII, Section 5, of the Constitution of Virginia, which provides that the State Board of Education shall create school divisions. The General Assembly, not the State Board of Education, created the OEI Board as a statewide school division. Consequently, the OEI legislation violates the constitutional mandate that school divisions be created by the Board of Education

“Creation of the Opportunity Educational Institution and the OEI Board clearly violate the Constitution of Virginia,” said Dr. Kirk Houston, Norfolk school board chair, “As Governor McDonnell referenced last week in a visit to Northern Virginia, local school boards and local control are vital to the success of local schools.”

Related Article

August 15, 2013, Washington Post - “Va. governor says local control is key to school success”
http://www.washingtonpost.com/local/education/va-governor-says-local-control-is-key-to-school-success/2013/08/15/398bc526-05c4-11e3-88d6-d5795fab4637_story.html

Loss of Local Control, Dollars & Resources

When the OEI Board takes over a school, the school board of the local school division in which the school is located must transfer to the OEI Board all per pupil federal, state and local funding that goes to that school, including the local “aspirational” funding, that is the funds appropriated to the school board by the local appropriating body over and above the funding mandated by state law. In addition, the OEI Board is given the right to take possession and control of any facilities used by a school that is taken over, although the locality is still required to pay for any capital improvements to the facilities. Further, the school board and locality are prohibited from selling affected school facilities without permission of the OEI Board.

About the Virginia School Boards Association

The Virginia School Boards Association, a voluntary, nonpartisan organization of Virginia school boards, promotes excellence in public education through advocacy, training, and services. The Association offers conferences, information, training, and counseling designed to meet the needs of the Commonwealth’s educational leaders.

About Norfolk Public Schools

The mission of Norfolk Public Schools, the cornerstone of a proudly diverse community, is to ensure that all students maximize their academic potential, develop skills for lifelong learning and are successful contributors to a global society, as distinguished by:

- Courageous advocacy for all students
- Family and community investment
- Data-driven personalized learning
- Strong and effective leadership teams
- Shared responsibility for teaching and learning
- Access to rigorous and rewarding college and career readiness opportunities

The Norfolk School Board in July 2013 adopted a Strategic Plan, which was developed during a yearlong process involving hundreds of community stakeholders. The plan will improve achievement for all students when fully implemented.

SAMPLE RESOLUTION

RESOLUTION
XYZ SCHOOL BOARD

WHEREAS, in its 2013 session, the General Assembly enacted legislation, which was subsequently approved by the Governor, creating the Opportunity Educational Institution (OEI) and the Opportunity Educational Institution Board; and

WHEREAS, the legislation mandates that the OEI Board take over the supervision and operation of any local public schools that have been denied accreditation and authorizes the OEI Board to take over any local public school that has been accredited with warning for three consecutive years; and

WHEREAS, it is the firm conviction of the School Board that this legislation violates the Constitution of Virginia in that it usurps the role of local school boards in supervising and managing the public schools of the Commonwealth; now therefore;

BE IT RESOLVED, the XYZ School Board hereby supports the lawsuit brought forth by the Virginia School Boards Association and Norfolk City School Board to declare the OEI legislation unconstitutional and to enjoin the OEI Board from taking any action to implement the legislation.

XYZ Public Schools
School Board

Agenda Report

Date: 09/03/13

Agenda Number: H-1

Attachments: No

From: Scott S. Brabrand, Superintendent

Subject: Notice of Closed Meeting

Summary/Description:

Pursuant to the Code of Virginia §2.2-3711 (A) (1), the school board needs to convene a closed meeting for the purpose of discussing the following specific matters:

Personnel Matters

Disposition: **Action**
 Information
 Action at Meeting on:

Recommendation:

The superintendent recommends that the school board approve a motion to enter into Closed Meeting in accordance with the Code of Virginia §2.2-3711 (A) (1) to discuss personnel matters.

Agenda Report

Date: 09/03/13

Agenda Number: H-2

Attachments: No

From: Scott S. Brabrand, Superintendent

Subject: Certification of Closed Meeting

Summary/Description:

The Lynchburg City School Board certifies that, in the closed meeting just concluded, nothing was discussed except the matters specifically identified in the motion to convene in a closed meeting and lawfully permitted to be so discussed under the provisions of the Virginia Freedom of Information Act cited in that motion.

Disposition: **Action**
 Information
 Action at Meeting on:

Recommendation:

The superintendent recommends that the school board approve the Certification of Closed Meeting in accordance with the Code of Virginia §2.2-3712(D).