

Virginia Board of Education Agenda Item



Agenda Item: Q

Date: May 24, 2012

Title	First Review of a Request for Approval of an Innovative Program Opening Prior to Labor Day from Henrico County Public Schools		
Presenter	Ms. Anne D. Wescott, Assistant Superintendent for Policy and Communications Dr. Patrick J. Russo, Superintendent, Henrico County Public Schools		
E-mail	Anne.Wescott@doe.virginia.gov	Phone	(804) 225-2403

Purpose of Presentation:

Action required by state or federal law or regulation.

Previous Review or Action:

No previous review or action.

Action Requested:

Action will be requested at a future meeting. Specify anticipated date below:

Date: To be determined

Action: Final review

Alignment with Board of Education Goals: Please indicate (X) all that apply:

	Goal 1: Expanded Opportunities to Learn
	Goal 2: Accountability of Student Learning
	Goal 3: Nurturing Young Learners
	Goal 4: Strong Literacy and Mathematics Skills
	Goal 5: Highly Qualified and Effective Teachers and Administrators
X	Goal 6: Sound Policies for Student Success
	Goal 7: Safe and Secure Schools
	Other Priority or Initiative. Specify:

The review of the request to waive the requirement that the school year would begin prior to Labor Day, pursuant to § 22.1-79.1 of the *Code of Virginia* relates to the goal that the Board will provide leadership in the development and implementation of state and federal laws and regulations in ways that provide sound policies for student success.

Background Information and Statutory Authority:

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

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

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

The *Regulations Establishing Standards for Accrediting Public Schools in Virginia*, at [8 VAC 20-131-290.D](#), permit local school boards to seek approval to implement experimental or innovative programs under the following conditions:

- D. With the approval of the local school board, local schools seeking to implement experimental or innovative programs, or both, that are not consistent with these standards shall submit a waiver request, on forms provided, to the board for evaluation and approval prior to implementation. The request must include the following:
1. Purpose and objectives of the experimental/innovative programs;
 2. Description and duration of the programs;
 3. Anticipated outcomes;

4. Number of students affected;
5. Evaluation procedures; and
6. Mechanisms for measuring goals, objectives, and student academic achievement....

In 1998, the Board adopted the following definitions for experimental and innovative programs in the *Guidance Document Governing Certain Provisions of the Regulations Establishing Standards of Accrediting Public Schools in Virginia (8 VAC 20-131)*:

"An experimental program shall be a program which is operated under controlled circumstances and which is designed to test and to establish, by objective measures, the positive cognitive effect of an educational theory."

"An innovative program shall be a program shown to produce a positive educational effect but which does not meet standard operating or procedural requirements."

The following school divisions with innovative or experimental programs were approved for the 2011-2012 school year: Alexandria (two schools), Arlington County (one school), and Richmond City (one) were approved for waivers for year-round schools. Charlotte County (six schools) and Covington (two schools) were approved for waivers for innovative or experimental programs that are not year-round schools.

Summary of Important Issues:

Henrico County Public Schools is requesting a waiver to begin school prior to Labor Day for an innovative program. The innovative program, as proposed in the waiver request, is that the schools would begin prior to Labor Day.

Henrico County Public Schools is requesting the waiver so that its students can have additional instructional time before they take Advanced Placement (AP) or International Baccalaureate (IB) tests, as the dates for those tests are set by the College Board and the International Baccalaureate®, not by the state or local education agency. In addition, an earlier opening will allow the school calendar to be consistent with the college calendars for students in dual enrollment courses. Currently, students begin dual enrollment courses on the first day of public school and complete them when the college course ends.

Henrico County Public Schools has partnerships with several area colleges and universities to offer dual enrollment courses to its students. A recent partnership with J. Sargeant Reynolds Community College, housed at J. R. Tucker High School, allows students from all Henrico County high schools to earn their high school diploma and an Associate of Science degree at the same time. Henrico County Public Schools announced in April that it plans to offer a second such program in business, at Highland Springs High School, beginning this fall.

Henrico County Public Schools requests that the waiver apply to elementary and middle schools that do not offer AP, IB, or dual enrollment courses for continuity for families and staff. It should be noted that § 22.1-79.1.B.3 says, in part: "However, any waiver or extension of the school year granted by the Board of Education pursuant to this subdivision or its standards for accrediting public schools for such an experimental or innovative program shall only apply to the opening date for those schools where such experimental or innovative programs are offered generally to the student body of the school."

The application includes reasons why Henrico County Public Schools would want to begin school before Labor Day, but it does not show clearly why starting school before Labor Day is required for the innovative program.

Impact on Fiscal and Human Resources:

The impact on state funds for this request is expected to negligible.

Timetable for Further Review/Action:

The request will be presented to the Board of Education for final review at a date to be determined by the President of the Board (Board of Education Bylaws, Article Seven).

Superintendent's Recommendation:

The Superintendent of Public Instruction recommends that the Board accept for first review Henrico County Public Schools' request, provide feedback on the proposed innovation as it relates to statutory requirements, and discuss a timeline for further review and action.

COMMONWEALTH OF VIRGINIA
BOARD OF EDUCATION
P.O. Box 2120
RICHMOND, VIRGINIA 23218-2120

**REQUEST FOR WAIVER OF CERTAIN ACCREDITING STANDARDS
AND/OR APPROVAL
OF AN INNOVATIVE OR EXPERIMENTAL PROGRAM**

The *Regulations Establishing Standards for Accrediting Public Schools in Virginia*, (8 VAC 20-131-10 et seq.) sets the minimum standards public schools must meet to be accredited by the Board of Education. Accreditation of public schools is required by the Standards of Quality (§§ 22.1-253.13:1 et seq.). The annual accrediting cycle for public schools is July 1 through June 30.

This cover sheet, with the supporting documentation, must be submitted to the Department of Education for review and recommendation to the Board at least 90 days prior to the beginning of an accrediting cycle or the proposed implementation of the program or activity that precipitates the request for the waiver. The types of waivers available and the corresponding section of the standards are indicated below. Please attach additional sheets or information deemed appropriate. (The Board will consider this request in its monthly meeting and school divisions **are required** to appear before the board **in person or electronically** to explain a waiver request.)

SCHOOL DIVISION Henrico County Public Schools

TITLE OF PROGRAM/ACTIVITY Additional Instructional Time Prior to End-of-Year Assessments

TYPE OF APPROVAL REQUESTED:

- Approval of an Alternative to the Standard School Year and School Day (8 VAC 20-131-150)
- Approval of an Alternative Accreditation Plan (8 VAC 20-131-280.D)
- Approval of an Experimental Program (§ 22.1-79.1 of the *Code of Virginia* and 8 VAC 20-131-290.D)
- Approval of an Innovative Program (§ 22.1-79.1 of the *Code of Virginia* and 8 VAC 20-131-290.D)
- Approval of a Waiver of Other Provision(s) of the Standards (8 VAC 20-131-350)
(Complete Pages 1 and 3 of the application only.)

SCHOOL OR SCHOOLS INVOLVED IN THE PROPOSED PROGRAM/ACTIVITY All elementary, middle, high schools, and programs

April 26, 2012
Date Approved
by the Local School Board

May 4, 2012
Submission Date

All elementary, middle, high schools, and programs


Signature
Chairman of the School Board


Signature
Division Superintendent

SCHOOL DIVISION

Henrico County Public Schools

TITLE OF
PROGRAM/ACTIVITY

Additional Instructional Time Prior to End-of-Year Assessments

IF THE PROPOSED PROGRAM IS EXPERIMENTAL OR INNOVATIVE, FOR EACH SCHOOL EXPLAIN HOW THIS IS SO AND PROVIDE A PROGRAM DESCRIPTION, INCLUDING THE TYPE OF PROGRAM, ITS PURPOSE, THE GRADES SERVED, DEMOGRAPHIC INFORMATION DESCRIBING THE STUDENTS WHO WILL BE ATTENDING, THE RATIONALE FOR THE PROGRAM, THE PROGRAM'S GOALS, EVALUATION PROCEDURES, AND OTHER RELEVANT INFORMATION.

The school division is submitting a calendar waiver application in order to provide students with additional instructional days in preparation for assessments such as the Advanced Placement tests and International Baccalaureate exams. The waiver request falls under the experimental or innovative provision Section 221-79.1, Code of Virginia. "Innovation" is the creation of better or more effective products, processes, services, technologies, or ideas that are accepted by markets, governments, and society. An earlier school-year start is accepted by the Virginia Department of Education as a viable, innovative method to developing a school calendar. Innovation is not necessarily the creation of a new idea or method as it can be the incorporation of new methods currently unpracticed in a particular work system or organization. The ability to begin the school year earlier than currently allowed would be an innovation for Henrico County Public Schools.

In addition to a Pre-Labor Day start innovation, the school division has a new program that requires an adjustment in the calendar. The school division has established the Advance College Academy (ACA) in partnership with J. Sargeant Reynolds Community College (JSRCC) in Henrico, Virginia. The program is located at Tucker High School and is an option for students in all HCPS high schools. The program allows students to earn both an advanced high school diploma and an Associate of Science degree in Social Science in four years. Upon successful completion students are eligible for transfer to more than 20 of Virginia's top colleges and universities. Program highlights follow below. Students:

- engage in a rigorous and challenging 21st century education in a unique program taught by specially trained faculty,
- take high school honors and Advanced Placement classes during the freshman and sophomore years,
- participate in activities designed to prepare students for college classes.
- take colleges classes during the junior and senior years,
- earn 61 credits eligible for transfer to a four-year college or university, and
- participate in clubs, sports, and other extra-curricular activities offered at J. R. Tucker High School.

Since community college classes begin prior to Labor Day, the school division seeks to more closely align its calendar with JSRCC. This will provide more reasonable access and promote success for students who will be engaged in an extremely rigorous program. A second program in business was just announced at the April 26, 2012, HCPS School Board meeting that will be located at Highland Springs High School and will open Fall 2012. Again, the programs will serve students from all of the school division's high schools and are linked to JSRCC. The school division requests that calendar flexibility be allowed so that these two new programs can run concurrently with its school calendar. For that to happen, a Pre-Labor Day start is required. As it now

stands, students enrolled in community college courses must complete courses in less time than other students. Additionally, students in the ACA program will graduate from JSRCC prior to receiving their high school diploma. The school division believes that high school graduation should occur prior to or concurrent with graduation from JSRCC.

As the high school calendar is adjusted, it will be necessary to adjust the middle and elementary school year as well so that continuity among staff schedules and families exist.

Henrico County Public Schools is no stranger to innovative programs. Henrico schools are well known throughout not only the region and state but also the nation.

The school division is equipped with the latest technology as well as state-of-the-art facilities. Laptops are provided to each of our more than 26,000 secondary students each year through our Teaching and Learning Initiative. HCPS was one of the first school divisions in the country to start this initiative in 2001. HCPS strives to promote environmental awareness and responsibility by using energy-saving measures in both new and existing schools.

Our school division has received awards ranging from Best 100 Communities for Music Education in America for the 12th consecutive year, to National School Library program of the year by the American Association of School Librarians. Ten schools earned the 2011 Governor's Award for Educational Excellence and four high schools were recognized as "America's Best High Schools" in *Newsweek* in 2010.

Henrico employs high-quality teachers who are eager to educate well-rounded students. In the Parent Engagement Satisfaction Survey results from the 2010-2011 school year, 94 percent of parents felt their students got a high quality education and 96 percent of parents felt the school's staff was committed to their child's education. Teachers from multiple schools were awarded "The Creating Excellence Award" by the Virginia Department of Education in 2011 as well.

In our commitment and vision to be the premier school division in the country, HCPS not only offers traditional learning programs, but also offers an array of programs to fit the needs of each and every student. Courses of study vary from The International Baccalaureate (IB) Program, Advance College Academy, and multiple specialty centers, to The English Language Learners Program, which serves students who speak 85 different native languages. In short, the school division knows what it is doing and understands innovation.

Additional instructional time prior to aforementioned tests that are fixed in time will result in greater student success and allow more time for students to access higher levels of the curriculum. The debate on the length of the school year is ongoing among educators with research supporting an extended school year in many cases. The opportunity to shift school days forward, in effect, lengthens the school division's year while critical assessments are fixed in time. The school division seeks to use the time available more efficiently and effectively. Using a sports analogy, picture two high school football teams that compete against each other. Team A starts practice two weeks prior to Labor Day and Team B starts practice the day after Labor Day. The two teams will compete in late September. Which team has the advantage?

Henrico students start the school year with a competitive disadvantage as many of their counterparts across Virginia have a significant jump on the school year. If the number of school days available to a student prior to high stakes tests is not important and equitable, then the Virginia 180-day requirement comes into question as well.

The school division has many students participating in dual enrollment courses with local community colleges. Due to the required late start, Henrico students are required to complete the dual enrollment courses in less time than other students who attend those community colleges.

The school division includes in its strategic plan a focus on reducing the achievement gap between majority and minority students. Providing more days of instruction prior to end-of-year assessments is yet another strategy for promoting success among minority students as more time and better preparation yields better results.

The school division acknowledges that the General Assembly entertained the pre-Labor Day start issue on several counts during their last session but failed to pass any legislation to allow for such. The decision to continue to disallow an earlier school year beginning was based primarily on economic concerns and not on educational need. The law as it now stands, puts Virginia in the company of only Michigan in terms of the states that start school after Labor Day. If the economic conditions of a pre-Labor Day start are so devastating, why is it that 48 other states seem to manage an earlier start. As an example, the Florida economy relies heavily on tourism and allows for a Pre-Labor Day start. A pre-Labor Day start does not reduce the number of weeks of summer, it simply shifts the school year forward and provides an earlier start to summer so the two weeks supposedly lost in August are gained in June. It is the hope that the State Board of Education will approach the school division's waiver request based on an educational basis as opposed to an economic one.

Of note during the last General Assembly session is the support of Governor Bob McDonnell to repeal the existing law regarding when schools may start. An excerpt from the Virginia Department of Education's website is attributed to Governor McDonnell's stance on a pre-Labor Day start in his "Opportunity to Learn" K-12 education agenda. Under the caption of Reducing Mandates on Local School Divisions, Governor McDonnell proposes calendar flexibility and the repeal of the requirement that school divisions must begin their school term after Labor Day unless they have a waiver from the Board of Education to increase the amount of instructional time students receive in a given year. The school division agrees with the Governor and seeks the opportunity to make local decisions for its school community. A local board being able to determine its school calendar is yet another innovation.

According to the National Education Commission on Time and Learning (1994), "Learning in America is a prisoner of time. For the past 150 years, American public schools have held time constant and let learning vary. The rule, only rarely voiced, is simple, learn what you can in the time we make available... But we have put the cart before the horse. Our schools and the people involved are captives of clock and calendar. The boundaries of student growth are defined by schedules for bells, buses, and vacations instead of standards for students and learning." The Commission makes our point well.

The school division also seeks equity with respect to students' residential status. It seems that students in Henrico County are discriminated against based on where they live. The fact that a family chooses to reside in Henrico County should not diminish their access to a fair and equitable education offered to students in other parts of Virginia.

In closing, the school division feels that starting the school year earlier is an innovation that will benefit students in Henrico County and the State Board of Education's approval is respectfully requested.

DOES THE PROGRAM REQUIRE THE SCHOOL OR SCHOOLS REFERENCED IN THIS APPLICATION TO OPEN PRIOR TO LABOR DAY?

X YES NO.

IF YES, EXPLAIN WHY.

The school division is seeking to provide approximately ten additional days of instruction prior to tests that are important to post secondary experiences. Additionally, the school division needs to adjust its calendar to support the Advance College Academy innovation.

IF THE PROGRAM IS EXPERIMENTAL, FOR THE SCHOOL OR SCHOOLS REFERENCED IN THIS APPLICATION INCLUDE INFORMATION THAT EXPLAINS WHY THERE IS REASON TO EXPECT THAT THE PROGRAM WILL BE SUCCESSFUL.

Not Applicable

DESCRIBE THE ANTICIPATED OUTCOMES OF THE PROGRAM FOR EACH SCHOOL.

The school division anticipates that student performance on Advanced Placement (AP) tests, and International Baccalaureate exams will show improvement. Additionally, the school division believes that the participation and success of minority students in AP classes will show growth. Multiple data points are available to track student performance and participation trends. Baseline information will be established from current data and will be compared to the same information once the calendar is adjusted to measure the impact of this innovative approach to a school calendar on student success. Through the Advance College Academies, significantly more students will participate in dual enrollment courses and earn an associate's degree and high school diploma simultaneously.

SCHOOL DIVISION _____

TITLE OF PROGRAM/ACTIVITY _____

IF YOU ARE SEEKING A WAIVER OF A PROVISION OR PROVISIONS OF THE ACCREDITING STANDARDS, STATE THE PROVISION AND THE RATIONALE FOR SEEKING A WAIVER FOR EACH.

Not applicable

DESCRIBE THE PROCEDURES THAT WILL BE USED TO EVALUATE THE EFFECTIVENESS OF THE WAIVER/PROGRAM/ACTIVITY. (Include information that includes measurable goals, objectives, and student academic achievement that will be expected as a result of the implementation of the program/activity.)

Not applicable

Number of students involved in the program 48,659 students

What is the anticipated length of the program or duration of the waiver?

Indefinite

Questions should be directed to the Division of Policy and Communications at (804) 225-2092, or by e-mail to policydata@doe.virginia.gov. This application and supporting documentation must be sent to:

Division of Policy and Communications
Department of Education
P. O. Box 2120
Richmond, VA 23218-2120