

Virginia Board of Education Agenda Item



Agenda Item: B

Date: April 28, 2016

Title	Final Review of Revised Memorandum of Understanding for Petersburg City Public Schools as Required for Divisions under Division Level Review		
Presenter	Beverly Rabil, Director, Office of School Improvement, Division of Student Assessment and School Improvement		
E-mail	Beverly.Rabil@doe.virginia.gov	Phone	(804) 225-2865

Purpose of Presentation:

Action required by Board of Education regulation.

Previous Review or Action:

Previous review and action. Specify date and action taken below:

April 21, 2004: Approved Division Level Memorandum of Understanding

November 20, 2006: Approved Revised Division Level Memorandum of Understanding

November 17, 2009: Approved Revised Division Level Memorandum of Understanding

October 24, 2013: Approved an Updated Corrective Action Plan as Required by Petersburg City School Board’s Memorandum of Understanding with the Virginia Board of Education

March 17, 2016: First Review of a Revised Memorandum of Understanding for Petersburg City Public Schools as Required for Divisions under Division Level Review

Action Requested:

Final review: Action requested at this meeting.

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

X	Goal 1: Accountability for Student Learning
	Goal 2: Rigorous Standards to Promote College and Career Readiness
	Goal 3: Expanded Opportunities to Learn
	Goal 4: Nurturing Young Learners
	Goal 5: Highly Qualified and Effective Educators
	Goal 6: Sound Policies for Student Success
	Goal 7: Safe and Secure Schools
	Other Priority or Initiative. Specify:

Background Information and Statutory Authority:

Goal 1: Approving a revised Memorandum of Understanding (MOU) for the Petersburg City School Board supports accountability for student learning.

The Standards of Quality (SOQ) require local school boards to maintain *Fully Accredited* schools and to take corrective actions for schools that are not *Fully Accredited*.

§ [22.1-253.13:3](#). Standard 3. Accreditation, other standards and evaluation.

...Each local school board shall maintain schools that are fully accredited pursuant to the standards of accreditation as prescribed by the Board of Education. Each local school board shall review the accreditation status of all schools in the local school division annually in public session. Within the time specified by the Board of Education, each school board shall submit corrective action plans for any schools within its school division that have been designated as not meeting the standards as approved by the Board.

When the Board of Education has obtained evidence through the school academic review process that the failure of schools within a division to achieve full accreditation status is related to division level failure to implement the Standards of Quality, the Board may require a division level academic review. After the conduct of such review and within the time specified by the Board of Education, each school board shall submit for approval by the Board a corrective action plan, consistent with criteria established by the Board and setting forth specific actions and a schedule designed to ensure that schools within its school division achieve full accreditation status. Such corrective action plans shall be part of the relevant school division's comprehensive plan pursuant to Section [22.1-253.13:6](#).

Additionally, Section 8 VAC 20-131-300 of the *Regulations Establishing Standards for Accrediting Public Schools in Virginia* (SOA) requires school divisions with Accreditation Denied schools to enter into a Memorandum of Understanding (MOU) with the Virginia Board of Education and implement a corrective action plan to improve student achievement in the identified schools.

Any school rated Accreditation Denied in accordance with [8 VAC 20-131-300](#) shall be subject to actions prescribed by the Board of Education and affirmed through a memorandum of understanding between the Board of Education and the local school board.

The local board shall submit status reports detailing implementation of actions prescribed by the memorandum of understanding to the Board of Education. The status reports shall be signed by the school principal, division superintendent, and the chair of the local school board. The school principal, division superintendent, and the chair of the local school board may be required to appear before the Board of Education to present status reports.

The memorandum of understanding may also include but not be limited to:

- 1. Undergoing an educational service delivery and management review. The Board of Education shall prescribe the content of such review and approve the reviewing authority retained by the school division.*
- 2. Employing a turnaround specialist credentialed by the state to address those conditions at the school that may impede educational progress and effectiveness and academic success.*

Summary of Important Issues:

In April 2004, Petersburg City Public Schools and the Virginia Board of Education (VBOE) signed an initial division level MOU. Based on the 2005-2006 assessment results, Petersburg City Public Schools entered into a second MOU on November 20, 2006. On November 17, 2009, the Virginia Board of Education revised the MOU for Petersburg City Public Schools. This MOU was to have remained in effect until all schools were *Fully Accredited*. As required by the MOU, Petersburg City Public Schools developed a corrective action plan beginning in the 2009-2010 school year. An updated corrective action plan was approved by the VBOE on October 24, 2013.

In fall 2015, the superintendent of Petersburg City Schools resigned and the Petersburg School Board appointed Dr. Linda Shifflett as the interim superintendent. Dr. Shifflett began work in Petersburg in early November 2015. In December 2015, teams from the Offices of School Improvement, Special Education Program Improvement, and Student Services conducted an on-site review in Petersburg City Public Schools. One of the purposes of this review was to identify areas of need within Petersburg City schools so that corrective actions could be determined. Once all reports are finalized, the Petersburg Corrective Action Plan required under the MOU will be revised to reflect needs identified in the on-site review.

In January 2016 the Petersburg City School Board announced its search for a new superintendent with the goal that a new superintendent would be named prior to the start of the 2016-2017 school year. In preparation for the appointment of a new superintendent, a revised MOU, Attachment A, has been developed and signed by the Petersburg City School Board Chairperson.

Impact on Fiscal and Human Resources:

Contractors engaged by the Virginia Department of Education to support Petersburg City Schools will be paid using existing state funds.

Timetable for Further Review/Action:

None

Superintendent's Recommendation:

The Superintendent of Public Instruction recommends that the Virginia Board of Education approve the Memorandum of Understanding with Petersburg City Public Schools as required for divisions under Division Level Review.

Rationale for Action:

The Board of Education has modified the Memorandum of Understanding for Petersburg City Public Schools. Per the memoranda of understanding, the school division agrees to comply with all requirements included in the *Regulations Establishing Standards for Accrediting Public Schools in Virginia* (SOA). The Memorandum of Understanding outlines responsibilities of the Virginia Board of Education, the Virginia Department of Education, the local school board, and the school division.

**MEMORANDUM OF UNDERSTANDING
BETWEEN
VIRGINIA BOARD OF EDUCATION
AND
PETERSBURG CITY SCHOOL BOARD**

THIS MEMORANDUM OF UNDERSTANDING (“MOU”) is made and entered into as of the 18th day of April, 2016, by and between the Virginia Board of Education (“State Board”) and the Petersburg City School Board (“School Board”).

Statutory Authority

The Standards of Quality (“SOQ”) require local school boards to maintain fully accredited schools and to take corrective actions for schools that are not fully accredited.

Standard 3. Accreditation, other standards and evaluation.

Each local school board shall maintain schools that are fully accredited pursuant to the standards of accreditation as prescribed by the Board of Education. Each local school board shall review the accreditation status of all schools in the local school division annually in public session. Within the time specified by the Board of Education, each school board shall submit corrective action plans for any schools within its school division that have been designated as not meeting the standards as approved by the Board.

Va. Code § 22.1-253.13:3

Further, the SOQ provides the State Board with the authority to seek school division compliance with the SOQ.

When the Board of Education determines that a school division has failed or refused, and continues to fail or refuse, to comply with any such Standard, the Board may petition the circuit court having jurisdiction in the school division to mandate or otherwise enforce compliance with such standard, including the development or implementation of any required corrective action plan that a local school board has failed or refused to develop or implement in a timely manner.

Va. Code § 22.1-253.13:8.

When the Board of Education has obtained evidence through the school academic review process that the failure of schools within a division to achieve full accreditation status is related to division level failure to implement the Standards of Quality, the Board may require a division level academic review. After the conduct of such review and within the time specified by the Board of Education, each school board shall submit for approval by the Board a corrective action plan, consistent with criteria established by the Board and setting forth specific actions and a schedule designed to ensure that schools within its

school division achieve full accreditation status. Such corrective action plans shall be part of the relevant school division's comprehensive plan pursuant to §22.1-253.13:6.

Va. Code § 22.1-253.13:3

Period of Enactment of the Memorandum of Understanding

This MOU will be in place until all schools with the Petersburg City School Division are fully accredited or until revised by the parties. This MOU will be subject to annual review by the State Board.

For purposes of this MOU, the School Board and its central office staff will adopt the following key priorities and implement essential actions to comply with the Standards of Quality and improve student achievement.

1. Implement Quality Instruction and Curricula Alignment
2. Monitor Human Resource Management System and Retain, Hire, and Develop Quality Leadership Staff and Teachers
3. Develop, Adopt, and Implement a Unified Strategic Plan
4. Develop and Implement a Superintendent Leadership and Board Governance Compact

The following are responsibilities of the State Board and Department of Education ("VDOE"):

The Director of the Office of School Improvement ("OSI") will serve as the Superintendent of Public Instruction's designee unless otherwise noted.

1. The Director of OSI will coordinate with school division staff and other VDOE offices to develop a Corrective Action Plan for Petersburg City Public Schools and to provide technical assistance in support of the MOU and Corrective Action Plan.

2.

The State Superintendent of Public Instruction and the State Board President will meet with the School Board chair at least twice per year to facilitate communication and regular updates. Other members of the State Board and School Board may be invited to attend these bi-annual meetings or additional meetings at the discretion of the State Board. All meetings conducted pursuant to this MOU shall be held in accordance with all applicable laws.

3. In the event of a vacancy in the position of the Division Superintendent, the State Superintendent of Public Instruction and, at his discretion, the Board President will serve as an adviser and resource during the selection of Interim Superintendent and the recruitment, screening, and selection of the new Superintendent.
4. The Director of OSI will meet at least quarterly with the Division Superintendent and appropriate staff to review (1) evidence of the implementation of the Corrective Action Plan; and (2) quarterly data that evidences progress towards the attainment of the goals of the Corrective Action Plan. Data points to be reviewed include, but are not limited to, the following: student attendance, teacher attendance, student discipline reports, student transfer data, student intervention participation and progress by intervention type, number and quality of teacher observations and walkthroughs conducted per month, and local assessment data in English, mathematics, history, and science. OSI may request additional data. Specific next steps will be developed as needed.
5. OSI staff will review the School Board's planned uses of state, federal, and local funds and will provide feedback to the Division Superintendent on a quarterly basis. Any concerns resulting from this review and subsequent feedback will be reported to Director of OSI.
6. OSI staff will work closely with the school and division personnel to implement instruction aligned to the Standards of Learning. OSI staff will review all recommendations regarding new or modified instructional programs. Any proposed new or modified instructional program must be aligned with the results of a division or school-specific asset mapping exercise or with the school division's strategic plan.
7. The 2016-2017 biennial budget provides, establishes, and funds the Petersburg Executive Leadership Recruitment Incentives ("Incentive Funds") The VDOE shall have the authority to release or withhold the Incentive Funds based on the School Board's compliance with the terms of this MOU and the Corrective Action Plan.

The following are responsibilities of the School Board and the Division Superintendent:

1. In the event of a vacancy occurs in the position of Division Superintendent, the School Board will work collaboratively with the State Superintendent of Public Instruction and the State Board President in selecting an Interim and a new Superintendent. Collaboration will include regular communication to report progress on the search and selection process. In addition, the School Board must provide the Superintendent of Public Instruction and the State Board President the names and credentials of its top finalists to fill a vacancy of Division Superintendent or Interim Superintendent at least 5 business days prior to making an offer to the preferred candidate. The credentials of applicants should include

experience in leading successful school and division turnaround efforts as evidenced by a multi-year trajectory of improved student achievement outcomes on the Virginia Standards of Learning tests or comparable state-mandated assessments in school divisions outside of Virginia.

2. In exchange for authorization to use the Incentive Funds referenced above, the School Board agrees to the following:
 - a. The School Board, Superintendent, and any senior staff selected by the Superintendent will participate in a Strategic Planning Process. The results of this planning process will be shared with the State Board and the local community before its adoption.
 - b. The School Board will accept organizational recommendations and nominations for the appointment of personnel from the Superintendent as long as recommended candidates meet the qualifications for the related positions.
 - c. The School Board will conduct an Annual Evaluation on the performance of the Superintendent to determine division progress on accomplishing goals identified in the Strategic Plan. The Superintendent shall be solely responsible for the evaluation of all other division level staff.
 - d. The School Board affirms that the following are its major responsibilities:
 1. To establish policies and plans for the division;
 2. To select and evaluate the Superintendent;
 3. To determine instructional studies to be pursued;
 4. To provide safe and suitable schools for effective teaching and learning;
 5. To care for, manage, and control the School Board property ;
 6. To provide for the preparation and the adoption of the annual budget;
 7. To act upon the recommendations of the Superintendent in all matters of policy, personnel actions, salary schedules, and other matters pertaining to the welfare of the schools;
 8. To review reports from the Superintendent concerning the status and needs of the schools;

9. To review the effectiveness of the schools, using an accountability system that includes the monitoring of key measures;
10. To maintain effective communication with the community, and its elected and appointed officials, concerning progress and needs of the schools;
11. To provide for a system of pupil transportation;
12. To provide for continuing and professional development of staff and School Board members;
13. To obtain adequate funding for school programs and facilities;
14. To encourage private as well as public support for the school system;
15. To approve the mission statement, goals and objectives;
16. To review and approve long-range capital improvement plans;
17. To establish school attendance zones;
18. To ensure compliance with the Standards of Quality, including the Standards for Accrediting Public Schools and the Standards of Learning referenced in the Standards of Quality, and other state and federal mandates;
19. To set policies to aid in recruitment and retention of qualified teachers;
20. To support, promote and model for students and staff the community's core values of respect, responsibility, honesty, and accountability as the foundation for all relationships;
21. To, at least annually, survey the division to identify critical shortages of teachers and administrative personnel by subject matter, and report such critical shortages to the Superintendent of Public Instruction and to the Virginia Retirement System; however, the School Board may request the Superintendent to conduct such survey and submit such report to the School Board, the Superintendent of Public Instruction, and the Virginia Retirement System; and
22. To ensure that the public schools within the division are registered with the Department of State Police to receive electronic notice of

the registration or re-registration of any sex offender within the division pursuant to Va. Code § 9.1-914.

- e. The School Board affirms that the following are the major responsibilities of the Division Superintendent:
1. Develop the Corrective Action Plan, in cooperation with OSI, for presentation to and consideration by the School Board.
 2. Enforce and implement the policies of the School Board, provide on-going training to familiarize staff with their provisions, and monitor and report to the School Board on the implementation of policy where such reports are requested by the School Board. The Superintendent may also provide additional reports to the School Board;
 3. Attend meetings of the School Board, except for those meetings held to discuss the Superintendent's performance or salary, and to serve as an *ex officio* member of School Board committees, unless otherwise directed by the School Board;
 4. Report on a regular basis to the School Board on the status of division goals, the implementation of major school and division initiatives and programs, challenges confronting the division, and the quality and efficiency of operations;
 5. Ensure compliance with state and national accountability standards for student achievement;
 6. Oversee the instructional program, including the provision and evaluation of curriculum, textbooks, supplies, and supervision within the framework of the regulations of the State Board and the goals and policies of the School Board;
 7. Oversee department and school planning tied to the division's comprehensive plan with a focus on continuous improvement of student achievement;
 8. Oversee emergency planning for the division including, but not limited to, the development of individual school and departmental emergency plans, and ensure that the division's emergency planning efforts are coordinated with those of the City as necessary;
 9. Oversee the provision of a staff development program for employees, consistent with professional growth plans and within the budget approved by the School Board, to include the authority

to employ lecturers or consultants, grant temporary leaves, approve travel, and develop professional libraries;

10. Control and exercise general supervision of the individual schools and departments of the school system by approving plans and procedures as may be proposed by administrators or principals;
11. Recommend for School Board approval the establishment or altering of attendance boundaries for the individual schools;
12. Nominate all employees of the school system to be approved by the School Board. The Superintendent shall define their duties, assign them to their various positions, recommend salaries consistent with any pay plan adopted by the School Board, and ensure performance evaluation consistent with State Board guidelines;
13. Consistent with applicable law, assign, transfer, suspend and recommend for promotion or dismissal any employee of the school system;
14. Reassign any teacher, principal or assistant principal for the remainder of a school year to any school within such division in the best interest of the school system and transfer employees at any time when such transfers are in the best interest of the school system;
15. Consolidate classes, assign students to buildings and classes, transfer individual students from any school to another, and may, within the limitations set by law, suspend students from school. The expulsion of any student shall be subject to recommendation of the Superintendent and must be approved by the School Board;
16. Recommend an annual school calendar to the School Board for approval;
17. Ensure the housing of offices and schools, including oversight of activities related to plans and specifications; site acquisition; renovation, construction and equipping of buildings; and responsibility for conducting research studies and surveys to determine building needs and providing the necessary physical plant for the operation of schools;
18. Recommend the school system's organizational structure for School Board approval;

19. Establish and maintain a program of public information designed to educate the general public and staff about the vision, mission, goals, programs, and policies and procedures of the school system.
 20. Promote a positive atmosphere in schools and offices focused on student, employee, school, and community success;
 21. Prepare the annual budget and capital improvements plan for School Board approval;
 22. Insure that expenditures are within the limits approved by the School Board;
 23. Report to the School Board on the financial condition of the division;
 24. Report to the School Board on the physical condition of schools and other facilities;
 25. Promulgate regulations establishing procedures for procurement of equipment and supplies;
 26. Fiscally manage the school system consistent with applicable law, State Board regulations, the City Charter, and relevant financial policies of the School Board; and
 27. Represent the School Board and Petersburg City Public Schools with federal, state, and local elected and appointed officials, facilitating a favorable working relationship among all parties.
 28. Close public school buildings which appear to him/her to be unfit for occupancy.
 29. Delegate duties to subordinate officers or employees as required for the effective administration of the school system except in such matters where the statutes or policies of the School Board prohibit such delegation. Work completed upon delegation of the Superintendent shall be deemed as having been done by the Superintendent. All reports or recommendations to the School Board from any employee under the direction of the Superintendent shall be made first to the Superintendent unless otherwise directed by the School Board.
- f. The School Board affirms the partnership between it and the Superintendent to achieve the vision and accomplish the mission of Petersburg City Public Schools. The basic principle for division of duties and responsibilities is that the policymaking powers and functions shall

belong to the School Board. The Superintendent has the regulatory powers as delegated by the School Board and the administrative authority to fulfill the duties enumerated previously in section e. Given the overarching partnership that exists, the School Board shall consult with the Superintendent on matters of policy and the Superintendent acknowledges that School Board members, as elected officials, have an interest in issues that affect the Petersburg City Public Schools community, to include the resolution of administrative and procedural issues that may impact their constituents. This partnership means that both the School Board and Superintendent commit to ongoing communication to resolve issues that impact Petersburg City Public Schools and its community.

3. The School Board will direct the Division Superintendent and appropriate staff to meet at least quarterly with OIS to review (1) evidence of the implementation of the Corrective Action Plan; and (2) quarterly data that evidences progress made towards the attainment of the goals of the Corrective Action Plan. Data points to be reviewed include, but are not limited to, the following: student attendance, teacher attendance, student discipline reports, student transfer data, student intervention participation and progress by intervention type, number and quality of teacher observations and walkthroughs conducted per month, and local assessment data in English, mathematics, history, and science. OSI may request additional data. Specific next steps will be developed as needed.
4. The School Board will direct the Division Superintendent to provide OSI staff documentation on planned uses of local, state, and federal funds upon request.
5. The School Board will direct the Division Superintendent to consult with OSI staff on all recommendations regarding new or modified instructional programs prior to purchase or submission to the School Board for approval. Any proposed new or modified instructional program must be aligned with the results of a division or school-specific asset mapping exercise.
6. The School Board will approve a Corrective Action Plan for the essential actions identified in this MOU and submit this plan to the State Board for review and approval at a time to be determined by the State Board President and Superintendent of Public Instruction. The School Board will show evidence that the plan was shared with community stakeholders for feedback and this feedback was acted upon in the Corrective Action Plan submitted to the State Board for approval.
7. The School Board will direct the Division Superintendent to provide it with quarterly updates on the steps taken to complete the essential actions in the Corrective Action Plan. The agenda and supporting materials will be submitted to OSI within five days of each quarterly update.
8. The Division Superintendent will direct appropriate division staff to participate in OSI required technical assistance and other professional development identified

by OSI, when invited, to support the implementation of strategies for improving student achievement in low-performing schools. The Division Superintendent will ensure that the required actions identified as a result of the technical assistance are implemented with fidelity.

9. The School Board and the Division Superintendent/or designee will appear before the State Board , as requested, to provide reports and answer questions about the implementation of the MOU and the Corrective Action Plan.
10. All members of the School Board and the Division Superintendent will participate at a minimum annually in board and superintendent professional development provided by appropriate organizations focusing on their respective roles and for improving student achievement in challenged schools. Meeting minutes that include the identification of next steps for implementation of the professional development will be sent to the Director of OSI, and will be reviewed at the quarterly meetings between the Division Superintendent and the Director of OSI.

Additional Consequences for Noncompliance

Anticipated legislation by the 2016 General Assembly provides the Board with the following authority:

If the Board of Education has required a local school board to submit a corrective action plan pursuant to § 22.1-253.13:3, Code of Virginia, either for the school division pursuant to a division level review, or for any schools within its division that have been designated as not meeting the standards as approved by the Board of Education, the Superintendent of Public Instruction shall determine and report to the Board of Education whether each such local school board has met its obligation to develop and submit such corrective action plan(s) and is making adequate and timely progress in implementing the plan(s). Additionally, if an academic review process undertaken pursuant to § 22.1-253.13:3, Code of Virginia, has identified actions for a local school board to implement, the Superintendent of Public Instruction shall determine and report to the Board of Education whether the local school board has implemented required actions. If the Superintendent certifies that a local school board has failed or refused to meet any of those obligations, the Board of Education may, in its discretion, withhold payment of some or all At-Risk Add-On funds otherwise allocated to the affected division pursuant to this allocation for the pending fiscal year. In determining the amount of At-Risk Add-On funds to be withheld, the Board of Education shall take into consideration the extent to which such funds have already been expended or contractually obligated. The local school board shall be given an opportunity to correct its failure and, if successful in a timely manner, may have some or all of its At-Risk Add-On funds restored at the Board of Education's discretion.

Authorizations

I (We) have reviewed and understand the work required to implement the requirements of this MOU for the purpose of improving student achievement in the Petersburg City Public Schools.

<p>Printed Name: <u>Kenneth L. Pritchett</u></p> <p>Title: Chair, Petersburg City School Board</p> <p>Signature: <u>Kenneth L. Pritchett</u></p> <p>Date: <u>4/18/16</u></p>	<p>Printed Name: <u>Linda M. Shifflette</u></p> <p>Title: Superintendent, Petersburg City Public Schools</p> <p>Signature: <u>Linda M. Shifflette</u></p> <p>Date: <u>4/18/16</u></p>
<p>Printed Name: _____</p> <p>Title: President, Virginia Board of Education</p> <p>Signature: _____</p> <p>Date: _____</p>	<p>Printed Name: _____</p> <p>Title: Superintendent of Public Instruction</p> <p>Signature: _____</p> <p>Date: _____</p>