



**VSBA President
Bill Kidd
Wythe County School Board**

ISSUE HIGHLIGHTS

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DATES TO REMEMBER

December 15&16
Webinar—Budget & Finance

January 6
Webinar—FOIA

January 19
Webinar—BoardDocs:
Meeting Control Panel

January 26
Webinar—Special Education
Implications of Online/Virtual
Instruction

February
School Board Appreciation
Month

February 10&11
Capital Conference

February 11
New Chair/Member/
Superintendent Orientation

MEET BILL KIDD, VSBA'S NEW PRESIDENT

Bill Kidd has been a member of the Wythe County School Board since 2006. A retired career educator, Kidd has served as vice-chairman and chairman of the Wythe County School Board and held several leadership positions with the VSBA, including serving as president-elect, at-large member, chairman of the VSBA Blue Ridge Region, chairman of the VSBA Finance/Audit Committee, and co-chairman of the VSBA Task Force on Workforce Readiness. He also has served on the National School Boards Association Delegate Assembly, Virginia Educational Technology Advisory Committee, Southwest Virginia Governor's School Board, Virginia Partnership for Out-of-School Time Leadership Council, Virginia DOE Career Ladder Feasibility Committee, Virginia DOE Superintendent Evaluation Committee, and Virginia DOE Teacher of the Year Selection Committee.

Why did you first decide to serve on your local school board and why have you continued to serve over all these years?

Having spent 32 years in public education as a teacher, coach, administrator, and school improvement consultant, I felt that I had a fairly good understanding of the educational system and that I had something to give back to a system that had been such an integral part of my life. Because of my passion for kids and a desire to see each student become a successful member of society, I wanted to be involved in the process that can impact and change lives. Through serving on the board, my involvement has continued to confirm my belief and faith in what we are trying to do in public school education and I continue to feel that I have been able to make a difference by serving.

What achievements are you most proud of in your division?

I am proud of the fact that we have seen all our schools become accredited, but I am even prouder of the fact that we have gone beyond the SOLs to attempt to meet the needs of students in all areas of their lives and not just in the area of passing a test. I am pleased that our school board has worked diligently to provide progressive salaries for our teachers and administrators which allows us to attract and retain the highest quality professionals to

work with our kids. I am proud of the fact that even in tough economic times, we have been able to continually send forty students to the Governor's School for advanced study in math and science. I take pride in the fact that we offer a safe environment for our students to learn and our teachers to teach. I am also very proud of the fact that our board has taken its mission seriously in hiring and retaining the best superintendents possible to lead our school division.

Through VSBA we have a voice and an opportunity to be involved in leadership, advocacy, and support.

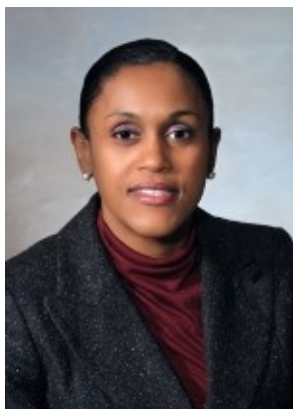
What challenges has your division faced in your time on the board?

As with most every school board in the Commonwealth, we have constantly wrestled with funding issues. It is very difficult to operate a school system in 2015 that is predicated on funding at the same level we had in 2008. We have a very supportive board of supervisors who has helped us immensely through the years with local funding to help offset our shortfalls. Another huge challenge for us has been construction/renovation of schools that are in dire need of improvement. We have been able to realize some significant updates but several schools are still in need of major makeovers. Constantly updating and enhancing technology is a challenge.

What are the most significant changes on the horizon for public education in Virginia?

The ever changing arena of technology and the way it impacts education is a constant. Once we make additions or changes many times immediately they become obsolete. It is both challenging and exciting to see the major advances that technology brings to how we educate kids. The arrival of virtual learning as an option for our students is also a significant change for our school environment. I see the whole concept of workforce readiness as a significant development in equipping kids for today's economy.

Continued on page 3



Gina G. Patterson
VSBA Executive Director

“This is an opportune time for veteran board members to serve as mentors to incoming colleagues.”

FROM THE EXECUTIVE DIRECTOR

A Time of Transition

Come January 1, 2016 there will be 145 new school board members throughout the Commonwealth. These new members will represent almost a 20% change in board members around the state. It is truly a time of transition both at the local level and the state level.

A lot of the newly elected members attended the VSBA Annual Convention as our guests. For many years, we have extended to newly elected/appointed board members, even if they are not sworn in until January, complimentary registration for the Annual Convention and/or School Law Conference (if they are elected/appointed in May). This practice has served local boards and the VSBA well as these new members are able to avail themselves of over 50 plus seminars and speakers, participate in a “*Lunch and Learn*” just for new members, and learn about the many services of the VSBA. One of the main benefits is the ability to mingle with veteran board members with whom they are able to have a dialogue about educational issues and the role of a local school board member. This enables new board members to hit the ground running as contributing members of local boards.

This is an opportune time for veteran board members to serve as mentors to incoming colleagues. Please call and welcome your newcomers. Invite them to attend school board meetings before they take office in January. Invite them to sit in on committee meetings. The best thing that you can do for new school board members is to assist them in becoming familiar with current board policies, regulations, issues, and deliberations. Board members serving for the first time should not have to come on board cold and uninformed. The ultimate goal of school board member service should be to continually strive to improve and enhance the teaching-learning process.

2016-2019 VSBA Strategic Plan

Your VSBA Board of Directors just approved a new strategic plan at their December meeting. In September, the board met for a strategic planning session at the VSBA offices in Charlottesville that was both insightful and productive. Led by Walt Meyer, retired director of association and business development at the New Jersey School Boards Association, the VSBA Board and staff were challenged to look ahead and craft a plan of action for the VSBA from 2016 – 2019. Through deliberations and small group work, the result is a product that the Board can be proud to share with the membership. It is noteworthy that the Board recognized the need for VSBA to continue not only to represent ALL the school boards in Virginia, but to make as one of its primary goals that ALL boards will be engaged participants in the association. Our strength comes from unity.

Vision Statement:

VSBA is recognized and respected as an innovative leader in public education.

Mission Statement:

Virginia School Boards Association, a voluntary, nonpartisan organization of Virginia school boards, promotes excellence in public education through advocacy, training and services.

Goals:

1. To maximize student achievement by taking a leadership role in education reform.
2. To advocate effectively for Virginia's public schools and children before all levels of government and the public.
3. To increase engaged participation of member boards and stakeholders in all VSBA services and activities.

On behalf of the entire VSBA staff, have a well-deserved holiday season and thanks for all that you do. We look forward to seeing you in the New Year.



Bill Kidd Interview

Continued from page 1

You serve on the CTE board. Why is this type of instruction an important part of public education in Virginia?

Not every student is going to college and the ones who are not have an equal right for the chance to be successful. The whole concept of workforce readiness has become a huge initiative on the part of our Governor, the Chamber of Commerce, business and industry, and even VSBA. It is so important that we collaborate with stakeholders to provide the most up-to-date and significant training possible in as many areas as possible to place students in the workforce who are adequately trained and who have an understanding of their role in society.

Why is VSBA membership valuable?

One of the most valuable assets of membership in the VSBA is the multifaceted training that is available. As board members it is our responsibility to receive training and information that will keep us abreast with what is going on in the realm of education and obtain the most recent information that will help us to make intelligent decisions in leading our educational systems. Through VSBA we have a voice and an opportunity to be involved in leadership, advocacy, and support.

How has your involvement with VSBA over the years benefited your division?

Many times from attending conferences and meetings, I have been able to bring back ideas, programs and information to share with board members, teachers and central office personnel who have been able in turn to share that information with teachers as they work with kids. I also feel that personal information that I have incurred has enabled me to make more intelligent decisions as a member of our local board. The fact that I come from SWVA has given my section of the state more visibility and that has been good for us.

What does being elected VSBA president mean to you?

I am humbled to be associated with so many outstanding leaders of our state and to work so closely with our outstanding VSBA staff, our Board of Directors, and school board members from across the state. This is an awesome privilege and responsibility. I am excited about the opportunity to promote and celebrate the many wonderful things that are happening in our state. I desperately want to uphold the trust that has been extended to me in serving in this capacity.

What do you hope to accomplish as VSBA president?

I want to encourage engagement by all school board members to be involved in training and education to make themselves better informed and better able to make good decisions that will impact our kids in a positive manner. I want to promote and celebrate the many outstanding things that are happening throughout our state. We don't have to worry about bad things being recognized. If we don't share our stories of success, no one else will. Being co-chair of the VSBA Task Force on Workforce Readiness, I certainly will

target that as a huge initiative for us in collaboration with so many other stakeholders throughout the state. We will continue to be advocates for our students and teachers through legislative measures that will include funding, SOL reform, and the protection of the rights and responsibilities of local school boards.

What advice do you have for new board members?

Be good listeners. Work together with members of your board to come to consensus. Take advantage of training and professional development that will make you a more effective board member. Never forget that the reason that we are board members after all is to take care of kids. Don't think you have all the answers and don't hesitate to ask for help when you need it.



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Ask the Legal Expert

Q. What happens if neither the chair nor the vice-chair can be present at a meeting?

A. The school board members who are present at the meeting select another board member to chair the meeting.



Understanding OCR: What School Board Members Need to Know

By Kate Kaminski, VSBA staff attorney

What is OCR?

OCR is the Office of Civil Rights within the U.S. Department of Education. The mission of OCR is: *to foster educational excellence and ensure equal access by enforcing federal civil rights laws and implementing regulations that prohibit discrimination on the basis of race, color, national origin, sex, disability, and age in all programs or activities that receive federal financial assistance.*¹

OCR enforces six federal laws: Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, Title II of the Americans with Disabilities Act of 1990 and the Boy Scouts of America Equal Access Act (2001). To enforce these laws, OCR has a headquarters office and 12 enforcement offices throughout the United States. Virginia falls under the Washington, D.C. enforcement office.

What does OCR do?

OCR uses various tools to fulfill its mission. OCR responds to civil rights complaints filed by the public, initiates periodic compliance reviews and monitors compliance with OCR resolution agreements. In addition, OCR issues policy guidance in the form of "Dear Colleague Letters" and other "Guidance Documents" "to notify schools and other recipients of federal funds of their legal obligations and the ways OCR enforces federal civil rights laws."² This policy guidance is OCR's interpretation of the civil rights laws and regulations it enforces. Over the past several years, the volume of investigations has increased. In fiscal years 2013 and 2014, OCR received 9,950 and 9,989 complaints respectively compared to only 3,384 in 1990 and 6,933 in 2010. The most common area for complaints was disability (46%) followed by sex (27%), race and national origin (22%), and age (5%). During this same time frame, the number of policy guidance documents increased to 11.

In Virginia a total of 49 complaints were resolved with agreements. Mirroring national statistics, more than half of those complaints were in the area of disability, nine involved Title IX and two involved Title VI. In addition, one compliance review initiated by OCR ended in a resolution agreement.

Why are you hearing so much about OCR now?

As OCR's enforcement and policy guidance has increased, so too have questions about its methods and boundaries. While all share the goal of protecting students from discrimination and ensuring the opportunity to fully participate in education, many organizations, including NSBA, local school boards and school districts believe that OCR is exceeding its legal authority and using means that are contrary to the shared goal. In June 2014, the Palo Alto Unified School Board members called the OCR investigative process "purposefully confrontational and disruptive" and passed a Resolution to pursue a just remedy in a particular investigation as

well as to "call attention to significant concerns regarding OCR investigation practices."³ NSBA also is very concerned about OCR overstepping its bounds. On October 1, 2014, NSBA, in response to a Dear Colleague Letter issued by OCR, stated "[t]he concern here is that the U.S. Department of Education appears to be taking a more expansive view of its authority to regulate the conduct of school activities."⁴ In addition, on February 26, 2015, two members of the U.S. Commission on Civil Rights wrote in a letter to Congress opposing a budget increase for OCR: "we have noticed a disturbing pattern of disregard for the rule of law at OCR. That office has all-too-often been willing to define perfectly legal conduct as unlawful."⁵ Further, on March 5, 2015, NSBA wrote a letter to OCR regarding its Dear Colleague Letter dated November, 12, 2014. NSBA stated that OCR's interpretation is a misplaced statement of the law, will potentially disrupt necessary activities and will burden schools administratively and financially.⁶ Lastly, on September 17, 2015, the United States District Court for the Eastern District of Virginia, disagreed with OCR's interpretation of Title IX given through a Letter dated January 7, 2015 stating "The Department of Education's interpretation does not stand up to scrutiny... and cannot supplant [the regulation]...[OCR] will not be permitted to disinterpret its own regulations for the purposes of litigation. Allowing the ...Letter to control here would set a precedent that agencies could avoid the process of formal rulemaking by announcing regulations through simple question and answer publications."⁷

The overarching theme is that school districts and others feel that OCR is exceeding its authority, misinterpreting the law and engaging in unproductive practices resulting in significant disruption to school staff as well as school financial resources.

What Happens When You are Being Investigated by OCR?

An OCR complaint can be unsettling, time consuming and costly. It may also have less obvious consequences such as negative impacts on the school image or morale. Often these unintended consequences are a result of misinformation or a lack of understanding about the complaint process. Therefore, it is critical for Board Members and staff to understand the OCR complaint and investigative process.

A. Complaint is Filed

According to the OCR Complaint Processing Manual (CPM), a "complaint is a written statement to the Department alleging that the rights of one or more persons have been violated and requesting that the Department take action."⁸ The Complaint should include an explanation of what happened, the person injured by the alleged discrimination and the perpetrator of the alleged discrimination.⁹ A complaint must be filed within 180 calendar days after the last act of the alleged discrimination.¹⁰

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Another Successful “Take Your Legislator to School” Month

By Emily Webb, VSBA Government Relations Coordinator

In an effort to promote a closer relationship between public education and the Virginia General Assembly, the VSBA urged each school division in the state to invite at least one of their state legislators to visit their schools during the month of November. We saw and heard from many of you about your successful visits and meetings with your local legislators.

Winchester Public Schools observed VSBA Take Your Legislator to School Month with a visit by Congresswoman Barbara Comstock, Senator Jill Vogel, and Delegate-elect Chris Collins. The Daniel Morgan Middle School scholars took the legislators on a tour of the building and highlighted the innovative programs in their school. The visit was a success as legislators had the opportunity to observe the schools and students had the opportunity to interact with elected officials. After the tour, Superintendent Dr. Mark Lineburg, Board Chair Erica Truban and Principal Jerry Putt shared accomplishments of the school division and challenges that Winchester City Schools are facing. Additionally, school officials and legislators discussed their legislative priorities. The time was well spent interacting with the legislators, establishing new relationships and strengthening existing relationships. The dialogue with the legislators is vital to the success of Winchester Public Schools. School Leaders plan to continue to reach out to representatives and look forward to visiting our representatives in the upcoming year.

On Veteran's Day, Senator Bryce Reeves was welcomed to Fredericksburg City's Headstart program by a class of 4- and 5-year-olds. The senator toured the original Walker-Grant building with school officials, and visited a few classrooms, the old gym, and auditorium. The building will soon undergo \$12.5 million in renovations, which will include a community room. School Board Chair Pat Green invited Senator Reeves back to visit during the renovations.

In Lynchburg City Schools, three area legislators took a tour of the Career Tech program and the new Heritage High School (HHS), which is on track to open for students in the fall of 2016. Delegate Kathy Byron, Delegate Scott Garrett, and Senator Steve Newman met with Superintendent Scott Brabrand and members of his administrative team for a quick tour of the current Heritage High School Career Tech wing. The legislators met students and teachers in the LCS Cyber Security, Building Trades, and Certified Nurse Aide classes. Following the tour of the current school, legislators got an up-close look at what's in store for the future of HHS as they went on the construction site of the new, state-of-the-art building that is designed to meet the educational standards of 2015. Among a few of the highlights for the new school include the addition of a school-based culinary arts class and an engineering, design, and technology class. Each core content classroom will contain flexible furniture and technology to support 21st Century education. This was the first time area legislators had been on the new building site, and

the tour proved to be informative and beneficial, while giving LCS an opportunity to showcase the positive impact the new building will have on the students and community of Lynchburg.

Thank you to all of our school divisions who participated in VSBA Take Your Legislator to School Month. We appreciate your willingness to create opportunities for productive dialogue and develop a closer relationship between your school division, community, and elected officials. Your efforts will pay off as we approach the 2016 General Assembly session. We encourage you to continue these important discussions so that educational and political leaders can work together to ensure that we provide the best possible education for our students.



Winchester City Public Schools



Fredericksburg City Public Schools



Lynchburg City Public Schools



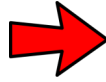
2015 Annual Convention Highlights

2015 VSBA High School Student Video Contest Winners Announced

The VSBA's fourth annual student video contest challenged high school students across Virginia to create a 30-second video around the theme of "Student Achievement: What Does It Look Like?" The first, second and third place winners, selected out of 74 submissions, were announced at the opening general session of the VSBA Annual Convention in Williamsburg, VA, and the videos were shown to the convention's attendees.

1st Place: <https://vimeo.com/141050551>

Arlington Career Center (Arlington County Public Schools) - Nikolai Karamyshev, Brian McTyre, Kiyam Muainudeen, Rachael Osborne, Kofi Roberts, Fernando Rocha, Bryce Rusk



2nd Place: <https://www.youtube.com/watch?v=z5ANS2RwxIY>

John Handley High School (Winchester City Public Schools) - Alex Madigan, Mike McEwen, Michael Woodson

3rd Place: <http://live.myvrspot.com/p/560c6c256621a>

Gloucester High School (Gloucester County Public Schools) - Alexandra Richardson



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2015 VSBA Green Schools Challenge Winners Announced

Three school divisions received top awards in the 2015 VSBA Green Schools Challenge, a friendly competition designed to encourage implementation of specific environmental policies and practical actions that reduce the carbon emissions generated by both the local school division and the broader community. This is the seventh year the awards were given out, and the challenge was sponsored by Moseley Architects and ABM Building & Energy Solutions.

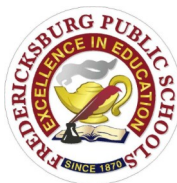
- ☐ Middlesex County Public Schools (*Student Population Under 5,000*)
- ☐ Shenandoah County Public Schools (*Student Population 5,001 – 10,000*)
- ☐ Prince William County Public Schools (*Student Population 10,001 & Up*)



2015 Annual Convention Highlights



VSBA Past President Juandiego Wade (left) with representatives from Fredericksburg City Public Schools



Fredericksburg City School Board Designated as VSBA Board of Distinction

At the opening session of the Annual Convention, the Fredericksburg City School Board was designated as a *VSBA Board of Distinction*. Boards receiving this award must apply for it and meet specific requirements in four key areas: planning, policy, promotion, and board development. A panel of judges reviews the criteria submitted and determines those awarded the *VSBA Board of Distinction* status.

Portsmouth City and Manassas City School Board Members Receive VSBA Quarter Century Awards in Recognition of 25 Years of School Board Service

James Bridgeford (Portsmouth City School Board) and Arthur Bushnell (Manassas City School Board) were each presented with the *VSBA Quarter Century Award* in recognition of 25 years of consecutive service on their school boards. Schneider Electric sponsored this year's awards.



Bushnell (left) receiving award from VSBA Past President Juandiego Wade (center) and Schneider Electric Representative Barry Wilhelm (right)

Bridgeford (left) receiving award from VSBA Past President Juandiego Wade (center) and Schneider Electric Representative Barry Wilhelm (right)



Ryan (center) with VSBA Past President Juandiego Wade (left) and MB Kahn Representative Jim Ruhland (right)

Newport News Student School Board Representative Awarded \$1,000 VSBA Exhibitors Scholarship

Morgan Jean Ryan, the student representative to the Newport News School Board, was awarded the 2015 VSBA Exhibitors Scholarship. Applications for the competitive scholarship were made available to spring 2015 graduating seniors who had served as a student school board representative during their junior or senior year. Ms. Ryan is the student representative to the school board for the 2015-16 school year. She is a senior at Heritage High School, valedictorian of her class, and is a member of the Student Advisory Group on Education, co-captain of the volleyball team, and an executive board member of SADD, Future Business Leaders of America and the Student Council Association. The VSBA Exhibitors Scholarship is in its third year and is funded by exhibiting companies at the VSBA Annual Convention. M.B. Kahn Construction Co., Inc. sponsored this year's scholarship program.



2015 Annual Convention Highlights

Regional School Board Members of the Year



Six school board members from across Virginia were awarded *VSBA Regional School Board Member of the Year* awards in recognition of their boardsmanship qualities and active involvement in promoting student achievement. In the 14 years this award has been presented, this is the highest number of board members ever recognized.

(from left to right)

Blue Ridge—William Kidd (Wythe County School Board)

Central—James Nelson (Madison County School Board)

Eastern—John Davis (King George County School Board)

Northeastern—Milton Johns (Prince William County School Board)

Valley—Stuart Wolk (Frederick County School Board)

Southside—Superintendent James Lane on behalf of Beth Hardy (Goochland County School Board)



Norfolk City School Board Member Rodney A. Jordan Receives Inaugural VSBA Advocate for Education Award

VSBA Past President Juandiego Wade presented Norfolk School Board Chairman Rodney A. Jordan with the inaugural VSBA Advocate for Education Award. This award was created to recognize board members who have demonstrated significant and outstanding leadership, commitment, and contribution to public education that has had an impact on their region and the Commonwealth, and who have shown active involvement in local, state, and federal advocacy on behalf of their division, VSBA, and public education.

Jordan (right) receiving award from VSBA Past President Juandiego Wade



2015 Annual Convention Highlights



3 Architectural Projects Earn State Awards; Ballou Justice Upton Architects Wins “People’s Choice Award”

Three architectural firms were recognized in the 2015 VSBA *Exhibition of School Architecture*. Winning projects were selected from 10 entries submitted by 9 architectural firms in the areas of new construction, renovation and adaptive use of existing space. Recognized designs and firms are:

AWARD: Platinum Design Award
FIRM: VMDO Architects
PROJECT: Jefferson Houston PreK-8 School
DIVISION: Alexandria City Public Schools

AWARD: Gold Design Award
FIRM: Moseley Architects
PROJECT: Huguenot High School
DIVISION: Richmond City Public Schools

AWARD: Silver Design Award
FIRM: BCWH
PROJECT: Martin Luther King Jr. Pre-Kindergarten
DIVISION: Richmond City Public Schools

In addition, Ballou Justice Upton Architect's work on Fairfax County's Thomas Jefferson High School for Science and Technology won the firm the “People's Choice Award”.

M.B. Kahn Construction Co., Inc. sponsored the VSBA *Exhibition of School Architecture*.





Understanding OCR

Continued from page 4

B. Not Every Complaint is Investigated

OCR will dismiss a complaint, without investigation, if:

1. OCR lacks jurisdiction. The complaint fails to allege discrimination based on race, color, national origin, sex, disability or age; or discrimination in violation of Boy Scouts of America Equal Access Act of 2001; or retaliation for exercising any right secured by the civil rights laws enforced by OCR.
2. The alleged discriminator does not receive federal financial funds.
3. The complaint is filed more than 180 days after the alleged discrimination (without a valid reason for the delay).
4. The complaint lacks sufficient detail or is unclear and the complainant fails to provide the requested information within a timely fashion (usually 20 calendar days).
5. The allegations raised by the complaint have been previously resolved.
6. The complaint is being addressed through other means, i.e. federal, state or local civil rights enforcement agencies or through a school's own grievance procedures (and OCR believes it will be fully addressed).
7. The same allegations have previously been filed by the complainant in state or federal court.¹¹

C. Notice of Complaint to the School Division

When OCR opens a complaint for investigation, it will notify the complainant as well as the school division. The notice will include OCR's jurisdiction, the allegations to be investigated and a statement that OCR is a neutral fact-finder. Information about OCR's early complaint resolution process and contact information for the OCR staff person who will be the primary contact during the investigation is also provided. The notice does not include the complaint; however, the school board can obtain the complaint through a FOIA request.¹²

D. Early Complaint Resolution (ECR)

If OCR determines that the ECR process is appropriate, it shall offer it to the parties. Both parties must consent. OCR serves an impartial facilitator but is not a party to any agreement reached. Because OCR is not a party to ECR agreements (rather the agreement is between the complainant and the school division), OCR does not sign, approve, endorse or enforce such agreements. OCR can suspend its investigation for 30 days to facilitate an agreement. If no agreement is reached, then the investigation resumes.

E. Investigation

OCR has broad investigative authority.¹³ "OCR has the right of access during a [school division's] regular business hours to the [school division's] facilities and to information maintained by the [school division] that is necessary to determine compliance..."¹⁴ OCR may make data requests and interview personnel and students (parental consent is usually necessary). During the course of an investigation, the school board may seek to resolve the allega-

tions by agreement with OCR.¹⁵ This is called a resolution agreement or sometimes referred to as a Section 302 agreement. If no resolution is reached, at the conclusion of the investigation, OCR will reach one of two investigative determinations:

1. **Insufficient Evidence Determination:** "a preponderance of the evidence does not support a conclusion that the [school division] failed to comply" with the applicable law(s). In this case, OCR issues a letter of finding to the parties with an explanation and the case is closed.¹⁶
2. **Non-Compliance Determination:** The preponderance of the evidence supports a conclusion of non-compliance with relevant laws/regulations. OCR will issue a letter of finding as well as a proposed resolution agreement. The "agreement must include action steps that, when implemented, will remedy both the individual discrimination at issue as well as any systematic discrimination."¹⁷ The school division will have 90 days to negotiate the agreement. If agreement is not reached in the appropriate time frame, then OCR will issue a Letter of Impending Enforcement Action. Enforcement could include the suspension, deferral or denial of federal funding as well as referral to the Department of Justice.

F. Monitoring

If the school division enters into a resolution agreement with OCR (not an ECR agreement), OCR will monitor the division for compliance until all terms are satisfied. Often the agreement will require school boards to adopt new policies and provide appropriate staff training. It is essential that the school board comply with these elements to close the case and prevent further complaints/investigation into the same issue(s).

G. Appeal

The complainant can appeal OCR's finding of insufficient evidence by sending a written letter within 60 days of the finding(s) letter to the Director of the Enforcement Office. The appeal should include an explanation of why the investigation was incomplete or incorrect and any supporting documentation. The complainant may also have the right to file a private action in federal court, regardless of OCR's findings. The school board does not have the right to appeal.

Conclusion

Everyone shares the goal of eliminating discrimination in public schools. Controversy exists around the best way to reach that goal. School boards and their representative organizations are growing increasingly concerned about OCR's approach to enforcing civil rights laws. The time, stress and financial resources spent on OCR investigations and resolutions are significant. What can school board members do to help? First and foremost, school boards need to understand the process and help communicate it to the public. Most people do not understand that the threshold to

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Understanding OCR

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start an OCR investigation is very low. There is no mechanism to challenge the adequacy of a complaint before the school division is required to provide data and respond to allegations. Therefore, informing and educating your constituents that an investigation does not necessarily mean the school division discriminated is critical. Second, commit to doing whatever it takes to eradicate any discrimination in your school division. This means adopting appropriate anti-discrimination policies, training staff properly to avoid claims of discrimination and resolving them if people do make mistakes. Third, work closely with your school board attorney to avoid legal challenges and to ensure compliance with the OCR investigative process. Also, do not be afraid to challenge OCR if your board decides, based on sound legal and staff advice, that your division is being mistreated. Lastly, if your school division made a mistake and there was discrimination, commit to taking any necessary corrective action.

Without question, the receipt of an OCR complaint is stressful. However, armed with the knowledge of how the OCR process works, the commitment to eliminate any discrimination, and community awareness, your school board can survive the challenge and continue to provide the best education possible for the young people in your community.

¹ Protecting Civil Rights, Advancing Equity, Report to the President and Secretary of Education, U.S. DOE, OCR, April 2015.

² Protecting Civil Rights, Advancing Equity, Report to the President and Secretary of Education, U.S. DOE, OCR, April 2015.

³ <http://www.paloaltoonline.com/media/reports/1401572020.pdf>

⁴ <https://www.nsba.org/newsroom/new-ed-guidance-oversteps-local-authority-educational-decisions>

⁵ <http://www.newamericancivilrightsproject.org/wp-content/uploads/2015/02/2.27OCRBudgetLetterFinal.pdf>

⁶ <https://www.nsba.org/sites/default/files/file/NSBA-response-2014-DCL-Communication-Needs-3-5-15.pdf>

⁷ G.G. v. Gloucester County School Board, No. 15-54 (E.D. Va. Sept. 17, 2015), page 14-15.

⁸ CPM §101. <http://www2.ed.gov/about/offices/list/ocr/docs/ocrcpm.pdf>

⁹ Id.

¹⁰ CPM §106.

¹¹ CPM §110 contains the full list of reasons for dismissal.

¹² CPM §109.

¹³ See CPM §702. See also 34 C.F.R. § 100.6(c) and 34 C.F.R. § 99.31 (a).

¹⁴ CPM §702.

¹⁵ CPM §302.

¹⁶ CPM §303.

¹⁷ Id.

PETITION SIGNATURES NEEDED: Help Our Schools Keep Local Education Resources Within Local Control

The Virginia General Assembly plans to seek a constitutional amendment to divest local school boards of the sole authority to approve charter schools, vesting authority with a gubernatorial appointed board. **The VSBA has created a Change.org petition encouraging Virginia legislators to please vote NO on the charter school constitutional amendment.**

- ❑ Local school boards are best equipped to assess the needs of their students and the locality.
- ❑ Local school boards are responsible for the outcomes of all schools within the school system, including charter schools, so they should be solely responsible for the authorization of any new school.
- ❑ Research has shown that charter school outcomes are mixed and depend upon ensuring quality and accountability.
- ❑ A rigorous study by the Center for Research on Education Outcomes (CREDO) found “a significant negative impact on student academic growth” for charters in states that allow multiple agencies to authorize these schools. In effect, CREDO said, the presence of multiple authorizers allows charter organizers to “shop” for the most advantageous route to approval.
- ❑ CREDO also examined the overall performance of charter schools across multiple subject areas. They found that while some charter schools do better than the traditional public schools that fed them; the majority of schools do the same or worse.

Sign the Position Today!

<https://www.change.org/p/help-our-schools-keep-local-education-resources-within-local-control>

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VSBA Affiliate Member Profiles

In each issue of the VSBA newsletter, we will feature three VSBA Affiliate Members.

Thank you for support of VSBA and Virginia's public education system.

ABM Building & Energy Solutions

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Nathan Botwright

Phone: 757-213-7291

Email: nathan.botwright@abm.com

Web: <http://www.abm.com>

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Civil Engineering, Landscape Architecture, and Surveying

Trevor Kimzey, P.E.

Phone: 540-381-6011

Email: tkimzey@gayandneel.com

Web: <http://www.gayandneel.com>

Therapeutic Interventions, Inc.

School-Based Day Treatment Services

David F. Richardson

Phone: 757-442-6147

Email: drichardson@therapeuticinterventions.com

Web: <http://www.therapeuticinterventions.com>

Visit http://www.vsba.org/resources/affiliates/affiliate_member_program/ for a complete list of VSBA's 50+ Affiliate Members.

VSBA Employer Commendation Program

Thank your employer for supporting you and your work as a school board member! The VSBA Employer Commendation Program is designed to thank the employers of school board members for providing the support, encouragement, and time that is often needed to perform school board duties. Upon the recommendation of any Virginia school board member who is employed full-time, the VSBA executive director will send a letter of commendation to the board member's employer and a certificate suitable for framing and display. These commendations serve to remind employers that school board service is an essential and demanding avocation; encourage constructive dialogue concerning local education topics; reinforce the employer's existing commitment to school board service; and encourage other employees to consider participating in the educational process or to lend their support to those who do.



Please complete the [online form](#) by January 15, 2016. Letters and certificates will be mailed to recommended employers in February (VSBA School Board Appreciation Month).

Questions? Contact Peter Sengenberger, assistant executive director, at peter@vsba.org or 434-295-8722

Employer Commendation Form

<https://www.surveymonkey.com/r/Z5G5FWY>



U.S. Communities News: Home Depot Rebate

Did you know that if your school division has spent more than \$10,000 at The Home Depot in 2015, your division will be eligible for a rebate of at least 1 percent for those purchases? To be eligible for your rebate, the division must register with The Home Depot through the [U.S. Communities website](#).

Questions?

Sarah Lindsay, Program Manager, NACo Financial Services

What is your media relations protocol?

You just received a voicemail from a local reporter asking you to call back regarding a decision made at a board meeting earlier in the week. Several questions arise:

- ☐ Should I call them back?
- ☐ Can I call them back?
- ☐ Should the chairman be the one talking to the media on behalf of the board?
- ☐ Isn't the superintendent the division spokesperson?
- ☐ What is our board protocol for responding to the media?

These are all very important questions and the best time to consider them is together, as a board, before this type of call occurs. Clearly defined media relations protocols encourage consistent messaging, clarify roles and responsibilities, and help take away some of the anxiety many people experience when dealing with the press.

Interested in communications-related training?

Contact Peter J. Sengenberger, assistant executive director, at peter@vsba.org.

Communications Tip



UPCOMING EVENTS, WORKSHOPS & TRAINING

December 15&16, 2015

[Webinar—Budget Basics & Finance 101: 2-part Series](#)

LOCATION: Webinar

DETAIL: During part one, Virginia public school budgeting will be discussed, including roles of elected officials, fiduciary requirements, stakeholders, and budget reports. Revenue categories will be explained, including state formulas, federal funding, local funding, and tax rates. Part two will cover expenditures including enrollment, staffing, salaries, and employee benefits. Also discussed will be "odds and ends" of school division finance including audits, school activity funds, quarterly reports fund balances, and misinformation.

January 6, 2016

[Webinar—FOIA: Open Meeting Requirements for School Boards](#)

LOCATION: Webinar

DETAIL: VSBA's staff attorneys will discuss the basic information that every school board member needs to know about what the Freedom of Information Act (FOIA) requires for school board meetings. The session will cover basics such as required notice of meetings and the requirements for closed sessions.

January 19, 2016

[Webinar—VSBA BoardDocs: Meeting Control Panel and Minutes Generator \(PRO version\)](#)

LOCATION: Webinar

DETAIL: During a board meeting, transcription of meeting minutes and voting results must be done with effectiveness and accuracy despite the rapid pace of the meeting and breadth of discussion topics. To add to the complexity of this effort, attendees at meetings often want instantaneous feedback so they can be better informed of discussion topics and voting results as they occur. During this session, you will learn practices and techniques for adding comments, recording motions, and displaying voting results in real time to help you more effectively manage your meetings. You will also learn how to employ both automated and manual techniques to generate meeting minutes and present them for approval at future board meetings.

January 26, 2016

[Webinar—Special Education Implications of Online/Virtual Instruction](#)

LOCATION: Webinar

DETAIL: This session will be conducted by John Eisenberg, assistant superintendent, Division of Special Education & Student Services, Virginia Department of Education. More details will be available soon.

February 10-11, 2016

[Capital Conference](#)

LOCATION: Richmond Marriott

DETAIL: We will kick-off the two day conference with greetings from Virginia Governor Terry McAuliffe and Virginia Secretary of Commerce and Trade Maurice Jones. You will also listen to commentary on the "big picture" political scene, the governor's budget amendments, and VSBA's legislative priorities. Then join us in the evening for a reception that will provide you with an opportunity to mix and mingle with your legislators and top administration officials. The events on day one will help prepare you for your legislative meetings after breakfast on day two.

SPONSORED BY:  **SOURCE 4 TEACHERS**
Educational Staffing Solutions

February 11, 2016

[VSBA Orientation for New Board Members & Superintendents](#)

LOCATION: Richmond Marriott

DETAIL: Becoming a new school board member or superintendent is an honor and a privilege. Enjoy a successful and less stressful transition by attending this orientation. Many important topics will be covered, including ethics, school law, parliamentary procedure, board/ superintendent roles, teamwork, and more. Don't miss this popular event, which is a "must" for new board members and superintendents.

SPONSORED BY:  **SOURCE 4 TEACHERS**
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February 11, 2016

[VSBA Orientation for New Chairmen & Vice-Chairmen](#)

LOCATION: Richmond Marriott

DETAIL: Have you recently been selected as your school board's new chairman or vice-chairman? If so, don't miss this orientation, which has been especially designed to help you become more comfortable with your new role and responsibilities. Experts in a variety of areas will address many important topics, such as the legal authority of the chairman, parliamentary procedure, optimizing the chair/superintendent relationship, and ethical considerations as a board chair.

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**For information on any of these opportunities,
visit the "Meetings & Conferences" tab on the
VSBA web site - www.vsba.org**



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Virginia School Boards Association

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MISSION STATEMENT

Virginia School Boards Association, a voluntary, nonpartisan organization of Virginia school boards, promotes excellence in public education through advocacy, training and services.

VISION STATEMENT

VSBA is recognized and respected as an innovative leader in public education.

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