

April 21, 2009

The Honorable Robert G. Marshall  
Delegate for the 13th District  
VIRGINIA HOUSE OF DELEGATES  
P. O. Box 421  
Manassas, VA 20108

*Via Facsimile,*  
*Electronic Transmission, and*  
*First Class U.S. Mail*

RE: *PWCS 2006 Adoption of Fifth Grade Mathematics Textbook*

Dear Delegate Marshall:

As legal counsel for the Prince William County School Board, I have been asked to respond to your April 15, 2009 email to the members of the School Board. Your email states that you intend to seek a legal opinion from the Office of the Attorney General based upon information provided to you from a constituent alleging that the Prince William County Public Schools failed to follow state regulations relating to the 2006 adoption of the fifth grade mathematics textbook, specifically, *Investigations in Number, Data and Space*.

First, I want to assure you that the policies and practices of the School Division relating to the adoption of textbooks fully comply with all applicable provisions of the Virginia Code and regulations of the Virginia Department of Education, and that those procedures were followed for the adoption of the textbook in question. Unfortunately, your letter and the opinion of the legislative attorney whom you consulted, both appear to be based upon your constituent's misunderstanding of those procedures.

Your constituent erroneously assumes that the Prince William County School Board did not approve the criteria used by the evaluation committee in the review and assessment of the *Investigations* math textbook, as required by state regulations. To the extent that the isolated paragraph of the Division's January FOIA response cited by Ms. Simons in her email of March 31, 2009 suggests otherwise, that paragraph must be viewed in the context of the other information and large volume of documents produced in response to the many FOIA requests submitted to the Division (by this parent and others) for materials relating to this textbook. In fact, it is quite clear from all the materials provided to Ms. Simons and other members of her group that the School Board did approve the criteria used to evaluate the fifth grade *Investigations in Number, Data and Space* math textbook.

The State had approved the *Investigations in Number, Data and Space* series of math textbooks, with the exception of the fifth grade textbook. Nevertheless, under Va. Code § 22.1-

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238, “any school board may use textbooks not approved by the Board provided the school board selects such books in accordance with regulations promulgated by the Board [State Board of Education].” The Virginia Department of Education regulation governing local school board adoption of non-state adopted materials provides that an evaluation committee be appointed by the local board to review and evaluate textbooks, and to make recommendations to the division superintendent for presentation to and adoption by the school board. 8 VAC 20-230-30 (1)-(4). This was done in this case, prior to the School Board’s adoption of the fifth grade *Investigations* textbook in January of 2006. However, your constituent and other parents of a small group which recently led an after-the-fact, unsuccessful opposition to the use of the fifth grade *Investigations* text, did not participate on the evaluation committee when the textbook was originally reviewed, evaluated and adopted during the 2005-2006 time period.

The State regulation also provides, at subsection (5), that “Criteria to be used by the evaluation committee in the review and assessment of textbooks must have the official approval of the local school board. The criteria, as approved, shall be on file in the office of the local school board.” (8 VAC 20-230-30.) Prince William County School Board Regulation 653-2, *Textbooks: Selection Process for State and Local Textbook Adoptions*, adopted by the School Board on September 22, 2004, delegates to the Curriculum Supervisor for the content area of the textbook (i.e. math, social studies, etc) the responsibility to develop additional evaluation criteria specific to that content area, to be used by committees in textbook examination and selection, based upon the following **School Board-adopted criteria** set forth in Regulation 653-2:

*Alignment with the Virginia Standards of Learning and the PWCS curriculum;*  
*Factual accuracy;*  
*A logical sequence of instruction;*  
*Age/grade/reading level appropriateness; and*  
*Freedom from ethnic, racial, sex, religious, age and political bias.*

A copy of Regulation 653-2, which was provided in December of 2008 to the group of parents opposing the use of the textbook in question, is enclosed for your own review. This regulation was available at the time the *Investigations* textbook was adopted in 2006, both on the PWCS Website and in the PWCS Policy and Regulation Manual, and could also be found in the library of each school and at the PWCS administration building (which houses the offices of the Prince William County School Board). Thus, the criteria adopted by the Prince William County School Board for the evaluation of textbooks were on file in 2006, as required by 8 VAC 20-230-30.

In addition, the rubric used by the PWCS textbook evaluation committee for the review and recommendation of all the mathematics textbooks reviewed in 2005 included the criteria

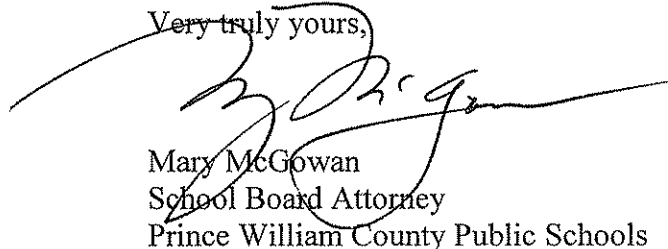
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established by the School Board in Regulation 653-2, as well as the standards of the National Council of Teachers of Mathematics. A copy of that rubric, which was also provided in 2008 to the parent group recently opposing use of the fifth grade *Investigations* textbook, is enclosed and was available, along with the textbook and materials for the six different series of mathematics textbooks reviewed, in all elementary schools during May and June of 2005, and in the School Board meeting room from October 2005 to January 2006.

Finally, the Virginia Department of Education was timely provided by the Division Superintendent with certification of the School Board's adoption of the fifth grade *Investigations* textbook and has not communicated to the School Division any concerns whatsoever regarding the procedures or criteria used for the adoption of this text.

I hope that this information may be helpful to you and that certainly, in the event you choose to seek an opinion from the Attorney General, you will provide him with a copy of this letter and enclosures in order that he may render an informed opinion based upon the correct facts.

Very truly yours,



Mary McGowan  
School Board Attorney  
Prince William County Public Schools

Enclosures

cc: Milton C. Johns, Chairman  
Members of the School Board  
Dr. Steven L. Walts, Division Superintendent  
Pamela Gauch, Acting Associate Superintendent for Learning and Accountability  
Bill Mims, Virginia Attorney General  
Patricia Wright, Superintendent, Virginia Board of Education

## INSTRUCTION

### Textbooks: Selection Process for State and Local Textbook Adoptions

In accordance with Policy 653, all textbooks shall be selected according to procedures required by sections 22.1-238 to 22.1-253 of Chapter 230 of the Virginia Administrative Code, Regulations of the Virginia Board of Education. See also, Standard Operating Procedure Instruction 6-15, *Textbooks: Selection/Adoption/Distribution*.

The School Board shall normally select textbooks from the Virginia approved list, following the State Board of Education six-year cycle for adoption of textbooks. The School Board may also select a textbook not on the Virginia approved list. The School Board may remove a textbook on the Prince William County adoption list within that six-year cycle. The process for selecting a replacement textbook shall follow the Prince William County textbook adoption process.

- I. When Virginia Department Of Education posts the list of adopted instructional materials, the textbook adoption process for Prince William County Public Schools begins. The following standard definitions shall be used:
  - A. Textbook – A book, hard or soft bound, used in an instructional environment to assist the educator in implementing curriculum for a particular subject area or course of study.
  - B. Textbook Series – A set of textbooks related by order of occurrence produced by a single publisher.
  - C. Supplemental Material – Elements of a publisher’s program used to support the primary textbook and enhance a particular subject area or course of study.
- II. The Curriculum Supervisor shall:
  - A. Establish a timeline for the textbook selection process. The timeline shall include forming committees and scheduling committee work sessions, requesting examination copies for the committee members, schools, and the public in accordance with Policy 653.
  - B. Establish committees consisting of the supervisor, teachers, administrators, parents, and School Board appointees. This list shall be forwarded to the Associate Superintendent for Instruction.

- C. Establish a budget to allow for committee compensation for off-contract work and and release time that may be necessary for all teacher representatives on adoption committees.
  - D. Develop evaluative criteria to be used by committees in textbook examination and selection. Textbook evaluation shall include but not be limited to: alignment with the Virginia Standards of Learning and the Prince William County Public Schools' curriculum, factual accuracy, a logical sequence of instruction, age/grade/reading level appropriateness, and freedom from ethnic, racial, sex, religious, age, and political bias.
  - E. Provide public notice, arrange for public displays, and collect citizens' comments for committee consideration prior to finalizing recommendations for adoption.
  - F. Make final recommendations to the Associate Superintendent for Instruction, the Superintendent, and the School Board.
  - G. File the completed Textbook Adoption List with the Textbook Specialist.
- III. The Associate Superintendent for Instruction shall:
- A. Provide the content area supervisor with the names of the School Board appointees to the committees.
  - B. Provide the School Board with a copy of the names of the textbook adoption committee members, the timeline for the adoption process, and the general criteria to be used to evaluate textbooks under consideration.
  - C. Approve and place the lists of textbooks recommended for adoption on the School Board agenda.
  - D. Present the final Textbook Adoption Report to the School Board for approval.
- IV. The Textbook Specialist shall:
- A. Prepare, with the cooperation of the curriculum area supervisors, a Master Agreement and establish required contacts for school use following School Board adoption.
  - B. Establish and maintain current Master Agreements for all School Board adopted requirements.

The Director of Curriculum and Staff Development is responsible for implementing and monitoring this regulation.



## Prince William County Public Schools

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Carol J. Knight  
Supervisor of Mathematics

May 24, 2005

To: Textbook Evaluators

From: Carol Knight

Subject: Elementary Textbook Evaluation Form Instructions

Attached you will find the Elementary Textbook Adoption Form. It should be used to evaluate the textbooks that have been sent to your school to be considered for adoption. The rubric is based on the National Council of Teachers of Mathematics process standards. The State Department of Education has already reviewed these textbooks for content match to the Virginia Standards of Learning. This information may be viewed at [www.pen.k12.va.us/VDOE/Instruction/textbookadoption/mathematics\\_k-12/index.html](http://www.pen.k12.va.us/VDOE/Instruction/textbookadoption/mathematics_k-12/index.html).

Textbook selection will be done by a committee with feedback from teachers, administrators, and parents. Books will be evaluated based on a rubric, with 3 being exemplary, 2 adequate, 1 inadequate, and 0 for criteria not present. Books should be scored for each criterion based on this point system. Evidence of the criteria must include specific examples and page numbers. Forms without evidence cited will not be considered. Completed rubrics should be sent to the Office of Mathematics, Building 33, Independent Hill.

**Prince William County Schools Elementary Textbook Adoption Form**

Reviewer's Name \_\_\_\_\_ School \_\_\_\_\_ Position \_\_\_\_\_

Textbook \_\_\_\_\_ Grade Level \_\_\_\_\_

**Prince William County Mathematics Vision Statement**

*Prince William County Schools mathematics program promotes an environment in which students develop a comprehensive and enduring understanding of the concepts of mathematics. Students learn to effectively apply these concepts and use a variety of problem solving strategies. The program nurtures a productive disposition toward mathematics and supports further investigations in this field.*

**Textbook Selection Guidelines**

As you review each set of textbook materials, consider the intent of the materials. How well do they reflect the Prince William County Schools Mathematics Vision Statement, the NCTM Standards, and the Prince William County Mathematics Curriculum? Also reflect on the content, methodology and assessment strategies by using the following form to evaluate how well the materials support teachers in helping students construct understanding and develop proficiency in mathematics at your grade level.

<u>Presentation of Content</u>	<u>Score</u>	<u>Evidence</u>
The textbook...		
Provides opportunities for students to perform at high cognitive levels		
Helps teachers understand the content for themselves and fosters a better understanding of teaching and learning mathematics		
Supports conceptual understanding of traditional algorithms and treats them as just one of the ways students may choose to solve problems		
Provides sufficient opportunities to promote depth of application		
Supports students' application of mathematics beyond the classroom		
Supports learning through a variety of strategies such as writing and using manipulatives		

3 – Exemplary      2 – Adequate      1 – Inadequate      0 – Not Present

Prince William County Schools Elementary Textbook Adoption Form

<u>Processes</u>	<u>Score</u>	<u>Evidence</u>
The textbook...		
<b>Problem Solving</b>		
Provides students opportunities to build new mathematical knowledge through relevant, real-life problem contexts		
Provides students opportunities to develop, apply and adapt a variety of appropriate strategies to solve problems		
Provides a variety of rich problems to continue concept development		
Provides students the opportunity to formulate and solve problems and reflect critically on their thinking		
<b>Reasoning and Proof</b>		
Supports an inquiry-based approach to learning		
Fosters students' development and logical reasoning through justifying and explaining their thinking		
Recognizes reasoning and proof as fundamental aspects of mathematics		
Provides students opportunities to make and investigate mathematical conjectures		
Provides students opportunities to select, use, develop, and evaluate mathematical arguments and proofs		

Prince William County Schools Elementary Textbook Adoption Form

<u>Processes</u>	<u>Score</u>	<u>Evidence</u>
The textbook...		
<b>Communication</b>		
Provides opportunities for students to organize and consolidate their mathematical thinking through communication in small and large group settings		
Provides students opportunities to use the language of mathematics to express mathematical ideas precisely both orally and in written form		
Provides opportunities for students to analyze and evaluate the mathematical thinking and strategies of others		
<b>Connections</b>		
Provides opportunities for students to recognize and use connections among mathematical ideas		
Provides opportunities for students to understand how mathematical ideas interconnect and build on one another to produce a coherent whole		
Provides students opportunities to recognize and apply mathematics in contexts outside of mathematics		
<b>Representations</b>		
Provides students opportunities to create and use multiple representations to organize, record, and communicate mathematical ideas		
Provides students opportunities to select, apply, and translate among mathematical representations to solve problems		
Provides students opportunities to use representations to model mathematical phenomena		

3 – Exemplary      2 – Adequate      1 – Inadequate      0 – Not Present

Prince William County Schools Elementary Textbook Adoption Form

<u>Assessment</u>	<u>Score</u>	<u>Evidence</u>
The textbook... Integrates assessment into the teaching and learning process		
Offers a comprehensive approach to assessment by providing multiple types of assessment tools (short answer, projects, open ended questions, writing prompts, and multiple choice)		
Provides rubrics for scoring student work		
Suggests ways for teachers to formatively assess student learning for the purpose of instruction		
Provides opportunities for students' self-assessment		
<u>Technology</u> The textbook...		
Provides multiple opportunities for students to develop and apply concepts through the use of calculators		
Provides multiple opportunities for students to develop and apply concepts through the use of computers and other technologies		
Integrates technology in a meaningful way that enhances instruction		

**Prince William County Schools Elementary Textbook Adoption Form**

<u>Diversity</u>	<u>Score</u>	<u>Evidence</u>
The textbook... Provides appropriate opportunities for differentiation of instruction		
Provides instructional suggestions for advanced learners		
Provides instructional suggestions for struggling learners		
Provides instructional suggestions for English language learners		
Provides illustrations and text that are representative of the diversity of the general population		

3 – Exemplary      2 – Adequate      1 – Inadequate      0 – Not Present