

COMMONWEALTH OF VIRGINIA
BOARD OF EDUCATION
RICHMOND, VIRGINIA

MINUTES

September 26, 2007

The Board of Education and the Board of Career and Technical Education met at the James Monroe State Office Building, Jefferson Conference Room, 22nd Floor, Richmond, with the following members present:

Dr. Mark E. Emblidge, President
Dr. Ella P. Ward, Vice President
Dr. Thomas M. Brewster
Mrs. Isis M. Castro
Mr. David L. Johnson

Dr. Gary L. Jones
Mr. Kelvin L. Moore
Mr. Andrew J. Rotherham
Mrs. Eleanor B. Saslaw

Dr. Billy K. Cannaday, Jr.
Superintendent of Public Instruction

Dr. Emblidge, president, presided and called the meeting to order at 9 a.m.

MOMENT OF SILENCE/PLEDGE OF ALLEGIANCE

Dr. Emblidge asked Mr. Moore to lead in a moment of silence and Pledge of Allegiance.

APPROVAL OF MINUTES

Mrs. Castro made a motion to approve the minutes of the July 25, 2007, meeting of the Board. The motion was seconded by Dr. Ward and carried unanimously. Copies of the minutes had been distributed to all members of the Board of Education.

APPROVAL OF AGENDA

Dr. Emblidge stated that an additional agenda item will be added to the agenda. It was placed at the end of the agenda and listed as *Item O, First Review of Delegation of Authority to the President of the Board of Education and the Superintendent of Public Instruction to Sign Certain Documents Related to the Consolidation of the Two State Schools for the Deaf and the Blind*. The motion was made by Dr. Brewster, seconded by Mr. Rotherham, and carried unanimously for approval of the agenda as amended.

PUBLIC COMMENT

The following persons spoke during public comment:

Susan Clark	Angela Ciolfi
Thomas Nash	Emily Dreyfus
Wyllys Vanderwekerder	Carol Bass
Amy Ternois	Adrian Volenik
Teddie Predaris	Loli McMahan

RECOGNITION

Dr. Emblidge recognized Ms. Judy Heiman, deputy secretary of education, and announced that she will be moving back to California. On behalf of the Board, Dr. Emblidge thanked Ms. Heiman for her tenure as Deputy Secretary of Education, and wished her luck as she moves to other pursuits.

Dr. Emblidge also recognized Mr. Robert (Bob) Almond, special assistant to the Superintendent of Public Instruction. Mrs. Castro thanked Mr. Almond for preparing a basket of items for auction at the National Association of State Board of Education (NASBE) Annual Conference in Philadelphia, October 11-13, 2007.

ACTION/DISCUSSION ITEMS

First Review of the Proposed Revisions to the Regulations Governing Special Education Programs for Children with Disabilities in Virginia (8 VAC 20-81-10 et seq.)

Mr. Douglas Cox, assistant superintendent for special education and student services, presented this item. Mr. Cox said that the current *Regulations Governing Special Education Programs for Children with Disabilities in Virginia* (8 VAC 20-80-10 et seq.) were adopted by the Board of Education on October 19, 2000, and became effective in January 2001. Technical changes proposed by the U.S. Department of Education were approved by the Board of Education on February 5, 2002, and became effective March 27, 2002.

Mr. Cox said that the revision of the state regulations governing special education is required to ensure compliance with the Individuals with Disabilities Education Improvement Act of 2004 (IDEA 2004), and with its federal implementing regulations, at 34 C.F.R. Part 300, effective October 13, 2006. Alignment with these federal mandates is required to ensure Virginia's continued eligibility for federal special education funding, which will total \$273.1 million in 2007-2008.

Mr. Cox said that the information received via public comment and the stakeholders' meeting was reviewed and considered during the development of the proposed revisions to the *Regulations Governing /Special Education Programs for*

Children with Disabilities in Virginia. In addition, the changes were guided by the federal mandate outlined in 34 C.F.R. § 300.199(a)(3), which requires that States “minimize the number of rules, regulations, and policies to which [local educational agencies] are subject under Part B of the Act.”

Mr. Cox said that due to the comprehensive nature of the revisions, the current regulations (8 VAC 20-80-10 et seq.) will be repealed, and new regulations will be promulgated by the Board of Education (8 VAC 20-81-10 et seq.).

Mr. Cox said that substantive new changes are proposed for the following areas: 1) functions of the Virginia Department of Education (VDOE); 2) referral for evaluation; 3) eligibility determinations; 4) the development, review and revision of a student’s individualized education program (IEP); 5) parentally placed private school students; 6) discipline; 7) procedural safeguards, including the appointment of surrogate parents and dispute resolution; 8) local educational agency administration and governance; 9) funding; and 10) the requirements regarding highly qualified personnel.

Dr. Jones made a motion to waive first review and accept the proposed regulations for first review and authorize Department of Education staff to submit the proposed regulations to the Virginia Regulatory Town Hall where, upon approval by DPB, the Secretary of Education, and the Governor, the proposed regulations will be published in the Virginia Register for a 60-day public comment period. Following the public comment period, the Board will consider the proposed regulations, along with amendments based on public comment, for final review and adoption. The motion was seconded by Mrs. Saslaw and carried unanimously.

Final Review of Proposed Revisions to the Standards for Interdepartmental Regulation of Residential Facilities for Children (22 VAC 42-10-10 et seq.)

Mr. Cox also presented this item. Mr. Cox said that the state Boards of Education; Mental Health, Mental Retardation and Substance Abuse Services; Juvenile Justice; and Social Services are the promulgating entities for the proposed regulation. The four licensing agencies and representatives of residential facilities developed the Interdepartmental Standards for use in regulating children’s residential facilities. These standards are designed to provide protection and treatment/programming to vulnerable children in out-of-home care.

Mr. Cox said that this is a joint action to repeal 22 VAC 42-10 and adopt a new regulation, 22 VAC 42-11, *Standards for Interdepartmental Regulation of Children’s Residential Facilities*. The standards apply to all children’s residential facilities licensed or certified by the four licensing agencies. The changes made to this regulation reflect changes to the children’s residential facility industry in recent years, and in federal requirements regarding record keeping and behavior management. The changes also incorporate the requirements found in Chapters 168 and 781 of the 2006 Acts of Assembly.

Following the first review of the proposed regulations, Mr. Cox said that the following changes were made:

- Revised the definition of “annual” allowing the provider greater flexibility in providing annual required trainings.
- Changed the timeline to 10 days for self-reporting lawsuits against or settlements with residential facility operators relating to the health and safety or human rights of residents and any criminal charges against staff that may have been made relating to the health and safety or human rights of residents.
- Clarified procedures for DJJ facilities by adding a new subsection A.
- Deleted the requirement to have the regulatory agency approve the decision making plan, as it was determined the approval was unnecessary.
- Added “program director” as an official representative for notifying the regulatory authority about administrative changes.
- Added language “or residency at the facility” so individuals other than staff or residents who live in the facility would also be required to have a TB evaluation.
- Added “after the effective date of these standards” to the qualifications section to ensure that all current staff would be grandfathered.
- Added “student/interns” to the personnel records of volunteers section to be consistent with other standards.
- Added the requirement for training in appropriate siting of children’s residential facilities as required by the *Code of Virginia*.
- Added the requirement for training in good neighborhood policies and community relations as the training is required for the applicant by the *Code of Virginia*.
- Requires providers to show documentation of training on good neighbor policies and community relations.
- Revised qualification requirements to offer the provider greater flexibility in hiring a qualified chief administrative officer (CAO).
- Revised qualification requirements to offer the provider greater flexibility in hiring a qualified Program Director.
- Deleted the requirement for case manager to have experience working in a children’s residential facility because other administrative staff have this requirement, and it is not necessary to require this experience for the case manager.
- Revised qualifications for child care staff to allow providers to have greater flexibility in hiring child care staff.
- Changed the standard regarding video and audio monitoring to allow each regulatory agency to make the decision to permit monitoring.
- Revised standard to allow seven days to complete the screening assessment for tuberculosis as obtaining medical appointments for children is difficult.
- Deleted the requirement to record the actual time that medicine was given and to notify the prescribing professional when a resident refuses to take prescribed medicine.

- Added language to emergency and evacuation procedures as some localities will not be able to provide special services for residential facilities.

Dr. Jones commended Charlene Vincent, Doug Cox, and Sandra Ruffin. Dr. Jones said that these individuals have shown how well the public comment period can work by the modifications made in the original regulation as a result of the public hearings held around the state. Dr. Jones said moving from full compliance to substantial compliance will help agencies who serve children across the state. Dr. Jones further stated that the definition of an executive director has been broadened to include someone with a business administration background which will prove helpful as organizations and associations become more complex.

Dr. Jones made a motion to accept the additional changes and adopt the revisions to the *Standards for Interdepartmental Regulation of Children's Residential Facilities*. The Board also authorized the Department staff to make technical or typographic changes that do not affect the substance of the standards. The motion was seconded by Dr. Ward and carried unanimously.

Final Review of a Request for Increased Graduation Requirements from Russell County Public Schools

Mrs. Anne Wescott, assistant superintendent for policy and communications, presented this item. Mrs. Wescott said that Russell County Public Schools is requesting approval to require students to complete two additional courses to earn a Standard or an Advanced Studies Diploma. This would increase the number of electives from six to eight for the Standard Diploma, and from two to four for the Advanced Studies Diploma. The proposed change would become effective for students entering the ninth grade for the first time in the 2008-2009 school year, as specified in both the *Standards of Accreditation* and the Board's guidance document.

Dr. Ward made a motion to adopt the request from Russell County Public Schools. The motion was seconded by Mrs. Saslaw and carried unanimously.

First Review of Request for an Alternative Accreditation Plan from Danville Public Schools for J. M. Langston Focus School

Mrs. Kathleen Smith, director, office of school improvement, division of student assessment and school improvement, introduced Dr. Sue B. Davis, superintendent, and Mr. Andrew Tyrrell, assistant superintendent for instruction, for Danville City Public Schools.

Dr. Davis said that J. M. Langston Focus School is a newly created alternative school in the Danville Public School System designed to foster a learning environment for middle school and secondary students who have experienced academic and behavioral difficulties in a traditional education environment. The school will prepare students in

grades 6, 7, and 8 who are experiencing significant academic and behavior difficulties in a traditional education setting to successfully complete middle grade content with the goal of promotion to high school. In addition, this school will prepare students in grades 9, 10, 11, and 12 who are experiencing significant academic and behavioral difficulties in a traditional education setting to successfully complete secondary grade content and earn a standard diploma.

Mr. Tyrrell said that J. M. Langston Focus School serves students in grades 6–8 and 9–12 who are two or more years behind their age appropriate peers and are deficient in reading and mathematics as measured by the Kaufman Test of Educational Achievement (KTEA) and/or who continuously experience behavior deficits that are outlined in the Danville school board’s *Student Standards of Conduct*.

The instructional program at J. M. Langston Focus School in grades 6-8 focuses on reading, writing and mathematics. Students receive instruction in organization and study skills as well as in goal setting and problem-solving strategies. Interdisciplinary instruction addresses the history/social science and science content that is necessary for students to be successful in 9th grade entry level classes. In grades 9-12 the academic program focuses on the four core subject areas: English, mathematics, history/social science, and science. Students receive instruction and guidance in goal setting, career awareness, and postsecondary education. Credit recovery programs are provided to students in grades 9-12 using on-site technology and after-school programs.

Mr. Tyrrell said that J. M. Langston Focus School is staffed with a faculty of highly qualified teachers certified to teach the core subject areas proposed. Grades 6-12 teacher/pupil ratio will be limited to 1:15 per class. Paraprofessionals will be assigned to the school to serve as instructional assistants. Pupil support services will be on-site to assist students in grades 6-12 and their families with issues that serve as barriers to academic and behavior successes.

Mrs. Saslaw made a motion to accept for first review the alternative accreditation plan from Danville City Schools for J. M. Langston Focus School. The motion was seconded by Dr. Brewster and carried unanimously.

First Review of Requests from Nineteen School Divisions for Ratings of Conditionally Accredited

Mrs. Kathleen Smith also presented this item. Mrs. Smith said that twenty-eight schools from nineteen divisions are requesting a rating of Conditionally Accredited from the Virginia Board of Education for the first year. Two additional schools are requesting a conditional for the second consecutive year. This item was presented to the School and Division Accountability Committee on October 17, 2007, at which representatives from each division were present.

Mrs. Smith noted the following: (1) of the nineteen divisions requesting a rating of Conditionally Accredited, fifteen divisions have indicated that reconstitution efforts have changed the governance in twenty-two schools; (2) three divisions have reconstituted four schools by significantly changing staff; (3) one division has reconstituted a school by changing the student population; and (4) another has reconstituted a school by changing the instructional program.

Grayson County Public Schools has requested a rating of Conditionally Accredited for Providence Elementary School based on a change in student population. This school will reconfigure from a K-5 school to a PK-3 school.

Surry County Public Schools has requested a rating of Conditionally Accredited based on a change in the instructional program at Luther P. Jackson Middle School. In order to provide a stronger social studies literacy program, the instructional program has been redesigned to include U. S. History I in grade 6. In grade 5, students will receive instruction in social studies research skills and literacy skills needed for success in the sequence of U. S. History I, U. S. History II, and Civics and Economics.

Dr. Ward made a motion to waive first review and adopt the recommendations and ratings of Conditionally Accredited for the twenty-eight schools. The motion was seconded by Mrs. Castro and carried unanimously. Dr. Brewster abstained from voting because he is employed by of the school divisions. The schools and recommendations are as follows:

Division	School Name	Recommendations
Alexandria City	Jefferson-Houston Elementary School	Committee to report monthly to the superintendent and provide copy of the report to the assigned auditor. Provide the auditor with a projected timeline for committee actions.
Caroline County	Caroline Middle	Designate ARDT coordinator to attend Oct 2nd training at VDOE. Report monthly to superintendent and provide copy to assigned auditor. Provide a timeline for committee actions. Inform parents of committee actions.
Charles City County	Charles City Co. Middle	Committee to report monthly to the superintendent and provide copy to PASS coordinator.
Dinwiddie County	Dinwiddie County Middle	Committee to report monthly to the superintendent and provide copy to the assigned auditor.
Essex County	Essex Int.	Committee to report monthly to the superintendent and provide copy to PASS coordinator. Provide a timeline for committee actions. Provide benchmark data in the area of warning to the PASS coordinator. Continue to monitor mathematics. Consider using the ARDT in each strand during the year for all 6th and 7th grade students.

Division	School Name	Recommendations
Hampton City	C. Vernon Spratley Middle	Committee to report monthly to the superintendent and provide copy of the report to the assigned auditor. Provide the auditor with a projected timeline for committee actions.
Hampton City	Francis Mallory Elementary	Committee to report monthly to the superintendent and provide copy of the report to the assigned auditor. Provide the auditor with a projected timeline for committee actions.
Hampton City	Hampton Harbour Academy	Committee to report monthly to the superintendent and provide copy of the report to the assigned auditor. Provide the auditor with a projected timeline for committee actions based on the school's alternative accreditation plan.
Henrico County	L. Douglas Wilder Middle	Inform parents of committee actions.
Henrico County	New Bridge School	Inform parents of committee actions.
Newport News City	Huntington Middle	Committee to report monthly to the superintendent and provide copy of the report to the assigned auditor. Define consensus in the decision-making process ensuring that a member from outside of the school is the decision-maker when consensus is not reached. Inform parents of the actions of the committee.
Portsmouth City	Cradock Middle	Committee to report monthly to the superintendent and provide copy of the report to the assigned PASS coach.
Prince Edward County	Prince Edward Middle	Committee to report monthly to the superintendent and provide copy of the report to the assigned PASS coach.
Pulaski County	Pulaski Middle	Committee to report monthly to the superintendent and provide copy of the report to the assigned auditor. Provide the auditor with a projected timeline for committee actions. Inform parents of the actions of the committee.
Richmond City	Chandler Middle	Committee to report monthly to the superintendent and provide copy of the report to the assigned PASS coach. Provide the auditor with a projected timeline for committee actions.
Richmond City	Thomas C. Boushall Middle	Committee to report monthly to the superintendent and provide copy of the report to the assigned PASS coach. Provide the auditor with a projected timeline for committee actions.
Roanoke City	Lucy Addison Middle	Committee to report monthly to the superintendent and provide copy of the report to the assigned auditor. Provide the auditor with a projected timeline for committee actions based on the school's alternative accreditation plan.
Roanoke City	Forest Park Elementary	Committee to report monthly to the superintendent and provide copy of the report to the assigned PASS coach. Provide the auditor with a projected timeline for committee actions based on the school's alternative accreditation plan.

Division	School Name	Recommendations
Roanoke City	Stonewall Jackson Middle	Committee to report monthly to the superintendent and provide copy of the report to the assigned auditor. Provide the auditor with a projected timeline for committee actions based on the school's alternative accreditation plan.
Rockbridge County	Maury River Middle School	Committee to report monthly to the superintendent and provide copy of the report to the assigned auditor. Provide the auditor with a projected timeline for committee actions based on the school's alternative accreditation plan. When consensus is not reached, the decision should rest with the director of instruction.
Tazewell County	Richlands Middle	Committee to report monthly to the superintendent and provide copy of the report to the assigned PASS coach. Provide the auditor with a projected timeline for committee actions.
Tazewell County	Tazewell Middle	Committee to report monthly to the superintendent and provide copy of the report to the assigned PASS coach. Provide the auditor with a projected timeline for committee actions.

The following recommendations were adopted for schools seeking a rating of Conditionally Accredited based on a change in staff, instructional program, or student population:

Division	School Name	Recommendations
Grayson County	Baywood Elementary	Principal to meet monthly with the Reading First coordinator and assigned auditor to discuss the implementation of the school improvement plan and any relevant data. Report monthly to the superintendent and provide copy to the assigned auditor.
Grayson County	Mt. Rogers Comb.	Principal to meet monthly with the assigned auditor to discuss the implementation of the school improvement plan. Report monthly to the superintendent and provide copy to the assigned auditor.
Grayson County	Providence Elementary	Principal to meet monthly with the Reading First coordinator and the assigned auditor to discuss the implementation of the school improvement plan and any relevant data. Report monthly to the superintendent and provide copy to the assigned auditor.
Surry County	Luther P. Jackson Middle School	It is recommended that an academic review consultant with a background in Social Studies monitor this school's progress throughout the year to ensure that curriculum and instruction are aligned. The assigned consultant should serve as the auditor and work closely with the principal and director of instruction. Report monthly to the superintendent and provide copy of the report to the assigned auditor.

Sussex County	Sussex Central Middle	Principal to report monthly to the superintendent and provide copy of the report to the assigned PASS auditor. Principal to include in the report any findings regarding weak staff and actions taken to improve their instructional delivery to students. PASS auditor to meet monthly with the principal and the assistant superintendent to discuss instructional progress in meeting defined goals as indicated in the school improvement plan.
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First Review of a Request for a Continued Rating of Conditionally Accredited from Sussex Public Schools for Annie B. Jackson and Ellen P. Chambliss Elementary Schools

Mrs. Kathleen Smith presented Dr. Charles H. Harris, III, superintendent of Sussex County Public Schools, to the Board. Dr. Harris said that Sussex County Public Schools has requested a continuation of the rating Conditionally Accredited based on a change in student population at Ellen W. Chambliss Elementary and Annie B. Jackson Elementary. Implemented last year, this change moved the 3rd grade from Annie B. Jackson Elementary to Ellen W. Chambliss Elementary.

Dr. Harris said that the English pass rate at Ellen W. Chambliss Elementary increased from fifty percent (3rd and 5th grade) to seventy-three percent (3rd grade only). Mathematics pass rates increased from forty-one to ninety-three percent. The English pass rate at Annie B. Jackson Elementary School increased from fifty percent (3rd and 5th grade) to sixty-five percent (4th and 5th grades). Mathematics pass rates increased from forty-one percent to fifty-nine percent. Dr. Harris commended Mrs. Diane N. Brown, principal of Annie B. Jackson Elementary School and Mrs. Yvonne D. Williams, coordinator of elementary instruction, for the significant progress made at both schools.

Mr. Johnson made a motion to accept for first review the continued request for a rating of conditionally accredited from Sussex County Public Schools for Annie B. Jackson and Ellen W. Chambliss Elementary Schools. The motion was seconded by Dr. Ward and carried unanimously. Final adoption will be requested at a future meeting.

Final Review of the Board of Education’s Comprehensive Plan: 2007-2012

Mrs. Anne Wescott presented this item. Mrs. Wescott said that the Board of Education’s current Comprehensive Plan covers the years 2005-2011, and was adopted in September 2005. In April 2007, in response to the provisions of the *Code of Virginia* requiring a review every two years, the Board of Education initiated the process of updating its current plan.

Mrs. Wescott said that at its May 2007 planning session, the Board discussed its priorities for the coming years and developed its vision and mission statements and outlined its priorities and objectives (priorities) for action in the coming years. At the

June 2007 meeting, the Board discussed the revisions that will be necessary to update its vision and mission statements, objectives, and strategies. Following the discussions and decisions of the Board at the May and June meetings, an initial draft of the Comprehensive Plan for 2007-2012 was distributed for a 45-day public comment period.

Mrs. Wescott said that the revised draft contains the following information, as specified in the *Code of Virginia*:

- The Board's vision statement;
- The Board's mission statement;
- An overview of the Board's objectives, or priorities, for action;
- A summary of the ways the achievement of objectives will be measured;
- An outline of the strategies to be implemented to meet objectives;
- A forecast of statewide enrollment changes over the next five years; and
- An assessment of the extent to which current objectives (contained in the Comprehensive Plan: 2005-2011) are being achieved.

Mrs. Wescott highlighted the following changes made in the text of the comprehensive plan since the initial draft as a result of the public comment and additional staff input:

1. Objective 8 has been modified as follows: *The Board of Education will provide leadership to help schools and school divisions ensure a safe and secure environment conducive to facilitating the teaching and learning process.*
2. Strategies have been added for objective 8.
3. Metrics have been added to two objectives:
 - Objective 2 regarding eliminating the achievement gap: "Calculate changes over time in the percent of students who drop out of school in each NCLB subgroup."
 - Objective 6 regarding educational personnel retention and training: "Calculate annual retention rates for educational personnel in Virginia."
4. Enrollment projections have been updated to reflect the latest data available.
5. The tables showing progress on the 2005 objectives have been updated to reflect the most recent actions of the Board of Education in the relevant areas.

Dr. Jones made a motion to make any additional changes, as agreed to by the Board, and adopt the Comprehensive Plan 2007-2012, with the understanding that department staff will make additional editorial adjustments as may be necessary. The motion was seconded by Mrs. Saslaw and carried unanimously.

Department staff will begin the data analysis that will be necessary to link the contents of the Board of Education's *Annual Report on the Condition and Needs of Public Schools* to the measures contained in the Comprehensive Plan. The data analysis

in the annual report will be used to assess progress in meeting objectives stated in the comprehensive plan.

First Review of the 2007 Annual Report on Regional Alternative Education Programs

Ms. Diane Jay, associate director, office of program administration and accountability, presented this item. Ms. Jay said that Section 22.1-209.1:2 of the *Code of Virginia* requires that the Board of Education provide an annual report to the Governor and the General Assembly on the effectiveness of the Regional Alternative Education Programs.

The 1993 General Assembly approved legislation and funding to create regional pilot programs to provide an educational alternative for certain students who have a pending violation of school board policy, have been expelled or suspended on a long-term basis, or are returning from juvenile correctional centers. A formula based on staffing patterns and the composite index of local ability-to-pay determines continuation funding for the programs. Ms. Jay said that one hundred fourteen school divisions participated in the regional alternative education programs. During 2006-2007, 4,205 students were served.

Mrs. Castro made a motion to waive first review and adopt the *2007 Annual Report on Regional Alternative Education Programs* pursuant to §22.1-209.1:2, *Code of Virginia*. The motion was seconded by Mr. Moore and carried unanimously. The report will be forwarded to the Governor and the General Assembly as required by §22.1-209.1.2, *Code of Virginia*.

First Review of a Report on the Federal No Child Left Behind Act Waiver Requests Made by the Virginia Board of Education (SB 1212 and HB 2542)

Dr. Linda Wallinger, assistant superintendent for instruction, presented this item. Dr. Wallinger said that House Bill (HB) 2542 and Senate Bill (SB) 1212 directed the Board of Education to continue to seek waivers from compliance with those provisions of the *No Child Left Behind Act of 2001* (NCLB) that are fiscally and programmatically burdensome to school divisions and are not instructionally sound or in the best interest of children. The bill also requested that the Board report on the status of its waivers to the chairmen of the Senate Education and Health Committee and the House Education Committee no later than October 1, 2007.

Dr. Wallinger said that through a focused statewide educational reform effort, Virginia has had a rigorous set of content standards in the Standards of Learning (SOL) program and accompanying assessment system for over ten years. As a result, Virginia supports the primary goal and basic tenets of NCLB since they are in direct alignment with the system of standards and accountability already established in the state. The challenges Virginia faces in meeting the requirements of NCLB relate to the policies and procedures required by USED in implementation of the components of the law. Virginia

believes that certain policies and procedures have resulted in unintended consequences and are not representative of sound educational practice. These unintended consequences have served as the foundation for Virginia's requests for flexibility to USED on an annual basis.

Since the passage of NCLB, Virginia has been blending the requirements of NCLB with its accountability system. This alignment has created confusion among state and local administrators as well as the public. Schools that meet one accountability rating may not meet the other, leading to misperceptions about the quality of educational programs in Virginia's schools.

The overall challenges Virginia has faced in implementation of the legislation and submitted as waiver requests for 2007 fall into the following two categories.

- Submissions to satisfy the USED requests as a result of the peer review of the standards and assessment system.
- Submissions to minimize unintended consequences in implementation of Adequate Yearly Progress (AYP) policies.

Dr. Ward made a motion to waive first review and adopt the report on the Federal No Child Left Behind Act Waiver Requests made by the Virginia Board of Education (SB 1212 and HB 2542). The motion was seconded by Mrs. Castro and carried unanimously. The report will be forwarded to the Governor and General Assembly as required by SB 1212 and HB 2542.

First Review of a Nomination to Fill a Vacancy on the Advisory Board for Teacher Education and Licensure

Dr. Margaret Roberts, executive assistant to the Board of Education, presented this item. Dr. Roberts said that at the July 2007 meeting, a list of nominees recommended for appointment to the Board of Education advisory committees was adopted. Since that time, one of the nominees for ABTEL has unexpectedly resigned, thereby creating an additional vacancy in the elementary classroom teacher position.

Dr. Roberts said that the call for nominations for ABTEL appointments was continued, and the recommended appointee is Ms. Tracey L. Dingus, 4th/5th grade teacher at Bristol City Public Schools. Also, Ms. Dingus is the 2006 Teacher of the Year for the Bristol school division.

Dr. Ward made a motion to waive first review and appoint the recommended nominee to the Advisory Board on Teacher Education and Licensure for the July 2007-June 2010 term. The motion was seconded by Dr. Jones and carried unanimously.

First Review of Proposed Board of Education Meeting Dates for the 2008 Calendar Year

Dr. Roberts also presented this item. Dr. Roberts asked Board members to compare their calendars with the proposed 2008 dates. Dr. Roberts said that there is a conflict with the February and March dates so she will poll Board members, make adjustments, and present a revised list at the October 18, 2007, meeting for final approval.

First Review of Recommendations for Adoption of an English Language Proficiency Assessment to be Administered in 2008-2009

Mrs. Shelley Loving-Ryder, assistant superintendent, division of student assessment and school improvement, presented this item. Mrs. Loving-Ryder said that Title I, Part A, of the *No Child Left Behind Act of 2001*, requires local school divisions to administer an annual assessment for all kindergarten through twelfth-grade limited English proficient (LEP) students. The English language proficiency (ELP) assessment must measure the oral language, reading, and writing skills of all LEP students in a school division.

Mrs. Loving-Ryder said that for the 2003-2004 and 2004-2005 school years, the Stanford English Language Proficiency (SELP) test was the state-approved and funded ELP assessment to meet the Title I and Title III requirement for limited English proficient (LEP) students. As a result of feedback from school divisions, beginning in 2005-2006, the Department of Education allowed each school division flexibility in selecting the ELP assessment it wanted to use.

For the 2007-2008 school year, school divisions again have flexibility in choosing an ELP assessment. School divisions may use an ELP assessment already approved by the Virginia Board of Education or they may submit a locally developed or selected instrument for consideration.

Mrs. Castro made a motion to waive first review and approve the World-class Instructional Design and Assessments (WIDA) to be used to review English language proficiency assessments to be administered statewide in 2008 and 2009. The motion was seconded by Dr. Ward and carried unanimously.

Report from the State Special Education Advisory Committee

Ms. Anne Fischer, chair, state special education committee, presented this item. Ms. Fischer said that the State Special Education Advisory Committee (SSEAC) is a federally-mandated panel comprised of individuals with disabilities, teachers, parents, state and local officials, and local administrators. The Individuals with Disabilities Education Act (IDEA) requires that the committee submit an annual report to the state education agency.

Ms. Fischer said that the report includes (1) an overview of the SSEAC organizational structure, (2) a description of meetings conducted during the 2006-07 year, (3) an overview of issues addressed by the committee during the year, and (4) a list of future issues that the SSEAC will consider.

Ms. Fischer said that based upon public input, constituency reports, and subcommittee deliberations, the committee made the following recommendations during the 2006-2007 year:

- That the license of teachers of students with disabilities accessing the general curriculum be divided into elementary (K-6) and middle/secondary and that coursework be included to meet the grade level content skill and knowledge requirements.
- That wording on the proposed endorsement for “teachers of children with disabilities in an adapted curriculum” change the word “adapted” to the word “aligned” to match state assessment terminology.
- That a requirement of competence in “orientation and mobility” be added to the vision impairment (VI) teacher endorsement.
- That all general education teacher licensure programs require competency in characteristics, legal issues and instructional strategies for children with disabilities.
- That the SSEAC endorse the concept of an add-on endorsement for teachers already licensed as elementary teachers or content teachers provided that the add-on endorsement is either at the elementary or middle/secondary level.
- That the SSEAC endorse the proposal for the Master’s level speech-language pathologist (SLP) to be moved from a teaching license to a pupil personnel license.
- That the SSEAC endorse the proposal to include in the state licensure endorsement, the SLP assistant (provided that they are supervised by a Master’s level SLP).
- That the SSEAC endorse the proposal that for provisional licensure, all state required tests must be passed during the first year of the licensure period.
- That the VDOE support certificate programs in the areas of leadership in special education, autism, assistive technology and secondary transition.
- That the Gifted and Talented licensure language include competence in teaching children with disabilities who are also gifted and talented.
- That Indicators 15-20 in the State Performance Plan/Annual Performance Report (SPP/APR) would be reported to the public.
- That the format of the Oklahoma public report example be included in the school report card by the LEA.
- That in lieu of a large stakeholder group, a group of "test drivers" would be used to look at the public reports and determine if they are in a useful and understandable format.
- That VADOE host conference call sessions with division superintendents and

special education directors to share school division data from the SPP/APR.

- That the SSEAC support the Virginia Board for People with Disabilities' effort to develop and maintain a database of contact information for individuals interested in special education.

Mr. Rotherham made a motion to accept the report and disseminate to the public upon request. The motion was seconded by Dr. Jones and carried unanimously.

Report on Postsecondary Readiness Studies Authorized by the Board of Education

Dr. Patricia Wright, chief deputy superintendent of public instruction, presented this item. Dr. Wright said that in January 2007, the Board of Education authorized the Virginia Department of Education to conduct studies to determine factors contributing to success in postsecondary education. As part of that effort, the Department of Education requested ACT and The College Board to conduct studies comparing their respective standards for postsecondary readiness to the Virginia Standards of Learning (SOL) in English/reading and mathematics. These studies were conducted at no cost and in collaboration with Department of Education content specialists and the executive director for research and strategic planning. The Department of Education is providing the Board with this informational summary of findings from these independent studies.

Dr. Wright said that both The College Board and ACT found that Virginia's mathematics and English standards showed strong alignment with their respective postsecondary readiness standards. In both studies, there was stronger alignment with Virginia's mathematics standards than there was in English. The study results offer the Department excellent information that will be useful when the Standards of Learning for mathematics and English/reading are reviewed in 2009 and 2010, respectively. The College Board and ACT analyses as well as the American Diploma Project (ADP) alignment study, when completed, will be provided to the Board's review committees for consideration.

Dr. Wright recognized the following department staff: Deborah Bliss, mathematics coordinator; Tracy Robertson, English coordinator; and Deborah Jonas, executive director for research and future planning. Dr. Wright also introduced Mrs. Natasha Groach to the Board. Mrs. Groach represented the College Board and is the Director of Content Standards and Alignment for College Readiness Assistance.

The Board accepted the report. The results will be considered during the review of the Mathematics and English Standards of Learning in 2009 and 2010.

First Review of Authority to the President of the Board of Education and the Superintendent of Public Instruction to Sign Certain Documents Related to the Consolidation of the Two State Schools for the Deaf and the Blind

Mr. Douglas Cox, assistant superintendent for special education and student services, presented this item. Mr. Cox said that the 2007 appropriation act directed the Board of Education, assisted by the Department of General Services, to "enter into either 1) a conventional design contract and a construction manager at risk contract, or 2) an interim agreement under the Public-Private Education Facilities and Infrastructure Act of 2002. ... to plan and design the consolidation of the Virginia School for the Deaf and the Blind at Staunton and the Virginia School for the Deaf, Blind and Multi-disabled at Hampton into a single campus and transfer the students, programs and services to a single campus at Staunton." The Board selected the conventional design/construction manager at risk option. Following this action of the Board, the Department of General Services issued a request for proposals and, through the state procurement procedures, selected the firm of Ballou Justice Upton Architects for design work and the firm of Kjellstrom and Lee, Inc. as the construction manager at risk to continue the project.

Mr. Cox said that the purpose of this proposed action is to delegate signature authority to the President of the Board of Education and the Superintendent of Public Instruction for contractual documents associated with this project.

Dr. Brewster made a motion to waive first review and delegate authority to the President of the Board of Education and the Superintendent of Public Instruction to finalize and sign contractual agreements and documents associated with the selected firms in furtherance of the consolidation of the Virginia General Services and in accordance with directives of the General Assembly and state procurement regulations. The motion was seconded by Mrs. Castro and carried unanimously. Dr. Emblidge stated that he voted on this matter and that he is able to make an objective decision in this matter.

DISCUSSION OF CURRENT ISSUES

Richmond City Public Schools

Dr. Cannaday asked staff to identify compliance requirements that were outstanding with the Richmond City Public Schools that are due in the immediate future. Dr. Cannaday said staff will contact the appropriate personnel to find out the status of these requirements to be sure they are met in a timely manner.

NAEP Scores

Dr. Cannaday said that the results from the 2007 National Assessment of Educational Progress (NAEP) show that the reading and mathematics skills for Virginia students continue to improve and that the Commonwealth's students remain among the nation's highest achievers in these subjects.

Dinner Session

The Board met for dinner at the Crowne Plaza Hotel with the following members present: Dr. Emblidge, Dr. Brewster, Mrs. Castro, Mr. Johnson, Mr. Moore, Mr. Rotherham, and Dr. Ward. A brief discussion took place about general Board business. No votes were taken, and the dinner meeting ended at 8:30 p.m.

ADJOURNMENT

There being no further business of the Board of Education and Board of Career and Technical Education, Dr. Emblidge adjourned the meeting at 11:30 a.m.

President