

COMMONWEALTH OF VIRGINIA
BOARD OF EDUCATION
RICHMOND, VIRGINIA

MINUTES

November 17, 2009

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

Mr. K. Rob Krupicka
Dr. Virginia L. McLaughlin
Mr. Kelvin L. Moore
Mrs. Eleanor B. Saslaw

Dr. Patricia I. Wright, Superintendent of
Public Instruction

Dr. Emblidge, president, presided and called the meeting to order at 8:45 a.m.

MOMENT OF SILENCE/PLEDGE OF ALLEGIANCE

Dr. Emblidge led in a moment of silence and Pledge of Allegiance.

DISCUSSION WITH THE HONORABLE TIMOTHY M. KAINE, GOVERNOR OF THE COMMONWEALTH OF VIRGINIA

Dr. Emblidge greeted the Governor and welcomed him to the Board. Governor Kaine reflected on the Board's work during his gubernatorial term, including improving graduation rates, expanding pre-K and creating career and academic plans starting with seventh-graders. Pre-K and the career and academic plans, which will outline the student's program of study for high school and align it with a career path or college, were among Governor Kaine's education priorities. Governor Kaine also commended the Board for continued efforts to offer a more personalized education for students. The state introduced a career and technical high school diploma and added to the network of specialty governor's schools. Schools are using technology to increase specialized programs, such as online foreign Language courses.

Dr. Emblidge opened the floor for questions and/or comments. Board members thanked Governor Kaine for giving them the opportunity to serve Virginia. Mrs. Saslaw said that Governor Kaine's support of early childhood education has been one of the revolutions of this administration and thinks there will be long-term results from this effort. Dr. Emblidge thanked the Governor for spending time with the Board.

APPROVAL OF MINUTES

Mrs. Saslaw made a motion to approve the minutes of the October 22, 2009, meeting of the Board. The motion was seconded by Mrs. Castro and carried unanimously. Copies of the minutes had been distributed to all members of the Board of Education.

PUBLIC COMMENT

The following persons spoke during public comment:

Dr. M. Rick Turner
Sylvia Cosby Jones
Angela Williams
Susan Willis

CONSENT AGENDA

Dr. Ward made a motion to approve the consent agenda. The motion was seconded by Mrs. Saslaw and carried unanimously.

- First Review of the Notice of Intended Regulation Action (NOIRA) for the *Regulations Governing Career and Technical Education (8 VAC 20-120-10 et seq.)*
- Final Review of the Advisory Board on Teacher Education and Licensure's Recommendation Regarding the Certification of Braille Instructors in Response to the Virginia General Assembly House Bill 2224

First Review of the Notice of Intended Regulation Action (NOIRA) for the Regulations Governing Career and Technical Education (8 VAC 20-120-10 et seq.)

The Department of Education's recommendation to waive first review and authorize the Virginia Department of Education staff to proceed with the process to review and revise as necessary the *Regulations Governing Career and Technical Education* was approved with the Board's vote on the consent agenda.

Suggested changes in the *Regulations Governing Career and Technical Education* will include: (1) addition of regulations as mandated by federal (Perkins Act reauthorization of 2006) or state laws; (2) revisions to regulations to reflect changes in federal and state laws; and (3) deletion of any regulations not deemed essential.

Final Review of the Advisory Board on Teacher Education and Licensure's Recommendation Regarding the Certification of Braille Instructors in Response to the Virginia General Assembly House Bill 2224

The Department of Education's recommendation to approve the Advisory Board on Teacher Education and Licensure's recommendation on Braille certification in response to the 2009 Virginia General Assembly House Bill 2224 was approved with the Board's vote on the consent agenda.

The recommendation will be forwarded to the Chairmen of the House Committee on Education and the Senate Committee on Education and Health by December 31. Additional work will be required prior to recommending a reliable, valid, and legally defensible assessment for individuals seeking an initial Virginia license with an endorsement in Special Education-Visual Impairments. The Department of Education personnel must follow laws, policies, and procedures relative to the procurement of an assessment.

ACTION/DISCUSSION: BOARD OF EDUCATION REGULATIONS

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

Dr. Judith Douglas, director of the office of dispute resolution and administrative services, presented this item. Dr. Douglas said that the *Code of Virginia*, at § 22.1-214, requires the Board of Education to prepare and supervise the implementation by each school division of a program of special education designed to educate and train children with disabilities between the ages of two and twenty-one, inclusive. The current *Regulations Governing Special Education Programs for Children with Disabilities in Virginia* (8 VAC 20-81-10 et seq.) were readopted by the Board of Education on May 29, 2009, and became effective July 7, 2009.

The *Code of Virginia*, at 2.2-4006 A., permits specific agency actions to be exempt from the standard regulatory process required by the Virginia Administrative Process Act, including the following:

4. Regulations that are:
 - a. Necessary to conform to changes in Virginia statutory law or the appropriation act where no agency discretion is involved;
 - b. Required by order of any state or federal court of competent jurisdiction where no agency discretion is involved; or
 - c. Necessary to meet the requirements of federal law or regulations, provided such regulations do not differ materially from those required by federal law or regulation, and the Registrar has so determined in writing. Notice of the proposed adoption of these regulations and the Registrar's determination shall be published in the Virginia Register not less than 30 days prior to the effective date of the regulation.

The *Code of Virginia*, at 2.2-4006 B., states, “B. Whenever regulations are adopted under this section, the agency shall state as part thereof that it will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision. The effective date of regulations adopted under this subsection shall be in accordance with the provisions of § 2.2-4015....”

Changes to the *Regulations Governing Special Education Programs for Children with Disabilities in Virginia* (8 VAC 20-81-10 et seq.) are required to ensure compliance with federal and state laws and regulations regarding special education, including changes in the federal regulations implementing the *Individuals with Disabilities Education Improvement Act of 2004* (IDEA), at 34 CFR Part 300, effective December 31, 2008, and changes in the *Code of Virginia*, which became effective July 1, 2009. The proposed changes do not differ materially from the requirements of federal and state laws or regulations.

Dr. Brewster made a motion to waive first review and adopt the revisions to the *Regulations Governing Special Education Programs for Children with Disabilities in Virginia*, authorizing staff to complete the requirements under the Administrative Process Act. The motion was seconded by Dr. Ward and carried unanimously.

ACTION/DISCUSSION ITEMS

Final Review of a Revised Memorandum of Understanding for Petersburg City Public Schools to Include Compliance with the Regulations Establishing Standards for Accrediting Public Schools in Virginia (SOA) (8 VAC 20-131-315)

Dr. Kathleen Smith, director, office of school improvement, division of student assessment and school improvement, presented this item. Dr. James Victory, superintendent of Petersburg City Public Schools, assisted Dr. Smith.

Dr. Smith said that the November 2006 Memorandum of Understanding (MOU) specified target goals for three years ending after the 2008-2009 school year. Additionally, Section 8 VAC 20-131-300 of the *Regulations Establishing Standards for Accrediting Public Schools in Virginia* (SOA), adopted by the Virginia Board of Education (VBOE) in July 2009, requires school divisions with *Accreditation Denied* schools to enter into a MOU with the VBOE and implement a corrective action plan to improve student achievement in the identified schools. Since Petersburg City Public Schools have schools in *Accreditation Denied* status for the 2009-2010 academic year based on 2008-2009 results, the MOU for division-level academic review will also serve as the MOU to satisfy Section 8 VAC 20-131-310. As a part of the proposed MOU, a corrective action plan must be developed. The proposed MOU will be in place until all schools are fully accredited.

For the purposes of the proposed MOU, the Petersburg City School Board and central office staff will adopt two key priorities: *leadership capacity* and *teacher quality*. The priorities will improve student achievement across the school division and must be aligned with resources.

The VBOE and the Virginia Department of Education (VDOE) will continue to assign a chief academic officer (CAO) to work with the superintendent and administrative staff to develop, coordinate and monitor the implementation of processes, procedures, and strategies associated with the corrective action plan resulting from the proposed MOU. The CAO will coordinate with VDOE offices to provide technical assistance in support of the MOU and corrective action plan. The CAO will have administrative authority over processes, procedures, and strategies that are implemented in support of the MOU and funded by targeted federal and state funds with subsequent review and approval by the Petersburg City School Board.

Petersburg City Public Schools will provide the CAO with an office in the central administration office; telephone, computer, and printer access, and clerical support, as needed. Key administrative responsibilities are included in the proposed MOU:

Student Achievement

1. The central office leadership team under the direction of the CAO or designee will develop a consolidated federal application each year of the proposed MOU that complies with the findings of the efficiency review, focuses on improved student achievement, and connects strategies to the division's corrective action plan. The Petersburg City School Board will review and approve the consolidated federal application.
2. The central office leadership team under the direction of the CAO and Petersburg City School Board will develop and implement a corrective action plan that complies with the findings of the efficiency review, focuses on improved student achievement, and connects strategies to the full implementation of the algebra readiness and early reading initiatives.
3. The central office staff will provide monthly written reports on the implementation of the algebra readiness and early reading initiatives to include activities planned, activities completed, timelines, participation targets and requests for reimbursement to the CAO and the Petersburg City School Board.
4. The central office will work with school staff to implement effective corrective action plans for all schools that are in *Accreditation Denied* status and No Child Left Behind (NCLB) restructuring. The corrective action plans must meet the requirements of NCLB and the Standards of Accreditation (SOA) and be aligned with the division's key strategies for improved student achievement. Corrective action plans must be approved by the Petersburg City School Board, VBOE and VDOE. Additionally, progress reports on implementing the plans will be shared quarterly with these entities.
5. The central office will work with VDOE staff and the CAO to identify one or more external turnaround partners for the implementation of a specific restructuring plan that meets the requirements of NCLB for all schools in restructuring under NCLB and is approved by the VDOE.

Leadership Capacity

Petersburg City Public Schools will implement an accountability system that links leadership of both the school and the division to student achievement data and provides professional development to improve student achievement. Petersburg City Public Schools will demonstrate commitment to hiring school and division staff with a proven record of increasing student achievement.

Teacher Quality

The central office leadership team under the direction of the CAO or designee will develop and monitor individual action plans to reduce the incidence of teachers with provisional licenses. Petersburg City Public

Schools will commit to hiring personnel who are the most qualified for the position vacancy and have a proven track record of increasing student achievement.

Petersburg City Public Schools will provide written reports as requested by the CAO (as needed and appropriate) on current instructional vacancies, number of teachers with provisional licenses, and progress on individual action plans to reach full licensure to the VBOE and VDOE.

Dr. Ward made a motion to accept for final review the revised Memorandum of Understanding (MOU) for Petersburg City Public Schools. The motion was seconded by Mrs. Saslaw and carried unanimously.

First Review of the Annual Report for State-Funded Remedial Programs

Dr. Smith also presented this item. Dr. Smith said that §22.1-199.2.B. of the *Code of Virginia* requires the Virginia Board of Education to collect, compile, and analyze data required to be reported by local school divisions to accomplish a statewide review and evaluation of remediation programs. The *Code* further requires that the Board annually report its analysis of the data submitted and a statewide assessment of remediation programs, with any recommendations, to the Governor and the General Assembly beginning December 1, 2000. In April 2009, the Virginia Board of Education approved remedial plans for local school divisions.

Data reported for summer remedial programs held in 2008 is as follows:

Type of Program(s) Offered in the Summer of 2008 or in the case of year-round schools (2008-2009)	Percentage of Localities
An integrated summer remedial program in K-5 or intersession program in the case of year-round schools (2008-2009)	83.0%
A summer remedial program or intersession program in the case of year-round schools (2008-2009) in one or more content areas grades K-8	99.2%
A summer remedial program or intersession program in the case of year-round schools (2008-2009) in one or more content areas for secondary programs	89.2%

Dr. Ward made a motion to waive first review and accept the annual report for state-funded programs for submission to the Governor and General Assembly as required by §22.1-199.2.B. of the *Code*. The motion was seconded by Dr. Brewster and carried unanimously.

First Review of a Report on the Investigation of a Testing Irregularity and Resulting Non-Compliance with 8 VAC 20-131-30 of the Standards for Accrediting Schools at William Fleming High School in Roanoke City for the 2008-2009 School Year

Mrs. Shelley Loving-Ryder, assistant superintendent, division of student assessment and school improvement, presented this item. Mrs. Loving-Ryder said that in May 2009, Virginia Department of Education (VDOE) staff received a report of possible Standards of Learning (SOL) testing irregularities at William Fleming High School in Roanoke, Virginia. The report alleged that students were being removed from classes with SOL end-of-course (EOC) tests just before the beginning of the testing window.

Mrs. Loving-Ryder said that VDOE staff alerted Roanoke City's Division Director of Testing (DDOT) to the alleged irregularity and asked her to conduct an investigation. During the course of the investigation, Roanoke City staff discovered that a number of students with disabilities had been affected by the irregularity. Based on the involvement of special education students, staff from the Division of Special Education and Student Services at the Virginia Department of Education conducted an on-site investigation.

While Roanoke City staff members were able to identify and test most students who were removed from classes with associated EOC tests just prior to the spring 2009 administration, there were some students who were not identified in time to test them prior to the close of the school year.

The Standards for Accrediting Schools at 8 VAC 20-131-30 Part III E states "each student in middle and secondary schools shall take all applicable end-of-course SOL tests following course instruction." The Board of Education reviewed the results of the investigation of the testing irregularity and the actions taken by the school division in response to the report to determine whether action regarding the accreditation of William Fleming High School is required.

According to the Standards for Accrediting Schools, 8VAC 20-131-340. Special Provisions and Sanctions:

- A. Any school in violation of these regulations shall be subject to appropriate action by the Board of Education including, but not limited to, the withholding or denial of a school's accreditation.
- B. A school's accreditation rating may be withheld by action of the Board of Education for any school found to be in violation of test security procedures pursuant to § 22.1-19.1 of the Code of Virginia. Withholding of a school's accreditation rating shall not be considered an interruption of the three-consecutive-year period for purposes of receiving an Accreditation Denied status pursuant to 8 VAC 20-131-300.
- C. The Board of Education may exercise its authority to seek school division compliance with school laws pursuant to relevant provisions of the Code of Virginia when any school within a division is rated Accreditation Denied.

The existing accreditation procedures exclude students who were not tested from the calculations. However, to assist the Board in determining the appropriate actions regarding the accreditation ratings for William Fleming, the Board was presented with 1) pass rates and accreditation ratings calculated using the existing procedure in which these students were not counted and 2) pass rates and accreditation ratings calculated with these students counted as failing.

Dr. Brewster made a motion to waive first review and award full accreditation to Roanoke City Schools. The motion was seconded by Dr. Ward and carried unanimously.

Final Review of Proposed Economics and Personal Finance Standards of Learning

Dr. Linda Wallinger, assistant superintendent for instruction, presented this item. Dr. Wallinger said that during the fall of 2008, as part of the proposed revisions to the *Regulations Establishing Standards for Accrediting Public Schools in Virginia* (8 VAC 20-131-5 et seq.) (Standards of Accreditation or SOA), a new statewide graduation requirement in economics and personal finance was proposed for the Standard, Standard Technical, Advanced Studies, and Advanced Technical Diplomas. With that in mind, on October 23, 2008, the Board of Education approved a proposal to develop Standards of Learning for a high school course in economics and personal finance. On February 19, 2009, the Board adopted the revised SOA, which included the economics and personal finance requirement for the diplomas noted above, effective with students entering the ninth grade in 2010-2011, and also continued to permit the use of a course in personal finance to satisfy a graduation requirement in mathematics for the Modified Standard Diploma.

On June 25, 2009, the Virginia Board of Education accepted for first review the proposed *Economics and Personal Finance Standards of Learning*. Public comments were accepted from September 17 through October 30, 2009. The majority of public comment related to commending the addition of this new course for graduation combined with requesting clarification of some implementation details. Additional areas of comment included:

- concern about teaching this course in ninth grade;
- clarification of qualifications for teachers of this course;
- inclusion of an option for an online course;
- clarification and consistency of economic terms and skills; and
- consideration of a balance between American and global concepts.

In developing the proposed *Economics and Personal Finance Standards of Learning*, the members of the review team first reviewed the concepts approved in previous documents related to economics and financial literacy, information included in the economics strand of the *History and Social Science Standards of Learning*, and the competencies required for students to complete career and technical education courses in accounting and finance. A concerted effort was made to be comprehensive but succinct in outlining expectations of the course.

The resulting standards address concepts and principles that are important to economics at the macro level, but also direct attention to understanding and skills that students need to be knowledgeable consumers in many areas of daily life, such as further education, career preparation, major purchases, credit and debt, and savings and investments. The proposed standards aim to provide enough direction to ensure that students are exposed to the many aspects of informed decision making they will need for future success, and to serve as a foundation for continued study of economics and finance. There was one recommended change to the draft presented for first review that related to implications of an inheritance.

Dr. Brewster made a motion to adopt the proposed *Economics and Personal Finance Standards of Learning*. The motion was seconded by Dr. McLaughlin and carried unanimously.

Final Review of the Board of Education's 2009 Annual Report on the Condition and Needs of Public Schools in Virginia

Dr. Margaret Roberts, executive assistant to the Board of Education, presented this item. An initial draft of the *2009 Annual Report on the Condition and Needs of Public Schools in Virginia* was reviewed and discussed at the Board of Education's meeting on October 22, 2009. Dr. Roberts said that members requested two specific additions that they wished to be incorporated prior to the final review and adoption of the report.

Dr. Roberts said that the first addition from the original draft is related to the need for the Board of Education to explore and put into place ways to help teachers and administrators know how to properly interpret and use data that will go a long way in ensuring that each child succeeds in the classroom. The challenge is to help teachers and administrators at all levels to gather, analyze, and use data to continuously improve teaching and learning the data analysis work that can lead their schools to understand what needs to change to get better results. The second area the Board of Education wanted to address included issues related to teacher preparation, recruitment, and retention, especially the role that the Board plays in system wide policies promoting the teaching profession. All data in the report have been verified. Also a description and explanation of the Board's final action regarding the Standards of Quality have been added to the text.

The contents of the report include the following major headings:

- Summary of the Academic Progress of Virginia's Students
- Critical Areas of Need for the Public Schools in Virginia
- The Board of Education's Plan of Action
- The Board's Performance Measures: Addressing the Needs of Public Schools
- Compliance with the Requirements of the Standards of Quality
- Compliance with the Standards of Accreditation
- Review of the Standards of Quality

The report also contains appendices directly addressing the information specified in § 22.1-18 of the *Code of Virginia*, as follows:

- Virginia Assessment Program Results: 2005-2009
- Demographics of Virginia's Public Schools
- List of School Divisions Reporting Full Compliance with the SOQ: 2008-2009
- School Divisions Reporting Noncompliance with SOQ: 2008-2009
- Divisions with All Schools Fully Accredited, Schools Granted Conditional Accreditation, Schools Rated Accredited with Warning, and Schools Rated Accreditation Denied: 2008- 2009
- Standards of Quality: Board of Education Recommendations to the 2010 Session of the Virginia General Assembly

Dr. Roberts said that the Virginia Division of Legislative Services has been notified that the *2009 Annual Report on the Condition and Needs of Public Schools in Virginia* will be delivered to the Governor and members of the General Assembly on or before December 1, 2009. This is slightly later than November 15, which is the due date specified in § 22.1-18 of the *Code of Virginia*.

Mrs. Castro made a motion to adopt the *2009 Annual Report on the Condition and Needs of Public Schools in Virginia*, with the understanding that staff will make any necessary edits or technical updates prior to submission to the Governor and to the General Assembly. The motion was seconded by Dr. Ward and carried unanimously.

First Review of Proposed Amendments to Virginia's Consolidated State Application Accountability Plan Under the No Child Left Behind Act of 2001

Mrs. Loving-Ryder, assistant superintendent for student assessment and school improvement, and Dr. Deborah Jonas, executive assistant of research and strategic planning, presented this item. Dr. Loving-Ryder said that the Elementary and Secondary Education Act (ESEA) as amended by the *No Child Left Behind Act of 2001* (NCLB) requires state educational agencies (SEA) to submit individual or consolidated state applications to the United States Department of Education (USED) for approval.

In 2002, the Virginia Board of Education submitted and received USED approval for its initial Consolidated State Application under NCLB. A major component of the consolidated application is Virginia's Consolidated State Application Accountability Workbook. Virginia received USED approval for its accountability workbook in June 2003. Additional amendments have been made to Virginia's workbook each year since then. The policies and procedures that were used to determine Adequate Yearly Progress (AYP) ratings for the 2009-2010 school year based on 2008-2009 assessment results are described in the most recent amended workbook dated May 2009.

Dr. Jonas said that Virginia's proposed amendments fall under five areas: 1) calculating Adequate Yearly Progress (AYP) targets; 2) extending flexibility in AYP

calculations for students with disabilities (SWD); 3) identifying Annual Measurable Achievement Objectives (AMAOs) for limited English proficient (LEP) students; 4) adjusting the requirements for AMAO 1, making progress, and AMAO 2, proficiency for LEP students; and 5) setting and reporting graduation rates and targets for continuous improvement.

Mrs. Castro made a motion to accept for first review the proposed amendments to the Virginia Consolidated State Application Accountability Plan. The motion was seconded by Dr. McLaughlin and carried unanimously.

First Review of the Advisory Board on Teacher Education and Licensure's Recommended Passing Score for the School Leaders Licensure Assessment (SLLA)

Mrs. Patty Pitts, assistant superintendent for teacher education and licensure, presented this item. Mrs. Pitts said that on November 17, 2004, the Board of Education approved a passing score of 165 for the *School Leaders Licensure Assessment (SLLA)* as a requirement for all individuals seeking an initial administration and supervision endorsement authorizing them to serve as principals and assistant principals in the public schools. The effective date for implementing the passing score was July 1, 2005.

As part of the test regeneration process, the Educational Testing Service has completed a major revision of the *SLLA*. The changes to the assessment were significant and required completion of a standard setting study and the approval of a passing score for the revised assessment.

Although the revised *SLLA* was administered in other states beginning in September 2009, the implementation was delayed in Virginia to allow sufficient time for a state-specific standard setting study and the setting of a passing score for the assessment. A special administration of the former version of the test was held on Saturday, October 17, 2009, to allow Virginia candidates one final time to take this version. Administration of the revised *SLLA* will begin in Virginia in January 2010.

A Virginia standard setting study was conducted on March 24 and 25, 2009, for the revised *SLLA*. The Educational Testing Service (ETS) conducted the standard setting study on behalf of the Virginia Department of Education (VDOE) for the *SLLA*, which will be administered in Virginia for the first time in January 2010. A detailed summary of the study - - *Standard Setting Report-- School Leaders Licensure Assessment (SLLA) -- March 24-25, 2009 -- Richmond, Virginia*, is attached (Appendix A) and includes information regarding participants, methodology, and recommendations.

The purposes of the studies were to (a) recommend the minimum *SLLA* score judged necessary to award the endorsement in administration and supervision and (b) confirm the importance of the *SLLA* content specifications for entry-level school leaders in Virginia.

The revised assessment is designed to measure whether entry-level school leaders have the knowledge believed necessary for competent professional practice. The content of the assessment was defined by a National Advisory Committee of expert practitioners and

preparation faculty and confirmed by a national survey of the field. The content of the revised assessment is aligned with the *Educational Leadership Policy Standards: ISSLC 2008*.

The four-hour assessment is divided into two separately timed sections:

- Section I (2 hours 20 minutes) – 100 multiple choice questions (80 operational and 20 pre-test); and
- Section II (1 hour 40 minutes) – Seven constructed-response questions calling for written answers based on scenarios and sets of documents that an education leader might encounter. Candidates are required to analyze situations and data, to propose appropriate courses of action, and to provide rationales for their proposal.

Candidate scores on the two sections are weighted such that Section I contributes 70 percent of the overall *SLLA* score and Section II contributes 30 percent. The total number of raw points that may be earned on the *SLLA* is 114 (80 points from the multiple choice section and approximately 34 points from the constructed-response section). The reporting scale for the *SLLA* ranges from 100 to 200 scaled points.

Prospective school leaders will be required to pay a fee for test administration and reporting results to the Virginia Department of Education. The cost for the assessment has been reduced from \$480 to \$375, including a \$50 nonrefundable registration fee.

The Standard Error of Measurement (SEM) for the recommended cut scores for the Virginia Standard Setting Study and the multi-state studies are shown below. [Note: Consistent with the recommended cut score, the cut scores at the different SEMs have been rounded to the next highest whole number.]

Cut Scores within 1 and 2 SEMs of the Recommended Cut Score – Virginia Study

Recommended Cut Score	68	Scale Score Equivalent	154
-2 SEMs	58		143
-1 SEM	63		149
+1SEM	74		161
+2 SEMs	79		167

Cut Scores within 1 and 2 SEMs of the Recommended Cut Score – Multi-State Study (Panel I)

Recommended Cut Score	75	Scale Score Equivalent	162
-2 SEMs	65		151
-1 SEM	70		156
+1SEM	81		169
+2 SEMs	86		175

Cut Scores within 1 and 2 SEMs of the Recommended Cut Score – Multi-State Study (Panel II)

Recommended Cut Score	77	Scale Score Equivalent	164
-2 SEMs	68		154
-1 SEM	73		160
+1SEM	82		170
+2 SEMs	87		176

Dr. Ward made a motion to receive the Advisory Board on Teacher Education and Licensure's recommendation for a passing score on the *School Leaders Licensure Assessment (SLLA)*. The motion was seconded by Mrs. Saslaw and carried unanimously.

Report from the Board of Education's Charter School Application Review Committee on a Proposed Public Charter School Application

Mrs. Eleanor Saslaw presented this item. Mrs. Saslaw said that the Exodus Institute School of Business and Technology from Petersburg, Virginia, submitted a charter school application to the Board of Education for review. The committee reviewed the application based on the criteria established by the Board and stipulated in the law.

Mrs. Castro made a motion to accept the report. The motion was seconded by Dr. Ward and carried unanimously.

Following is the report prepared by the committee:

**Virginia Board of Education's
Charter School Application Review Committee
Summary Report for Application Submitted by
Exodus Institute School of Business and Technology Charter School
Petersburg, Virginia**

The Charter School Application Review Committee met to examine the public charter school application submitted by the Exodus Institute School of Business and Technology in Petersburg, Virginia. The committee reviewed the application for the following criteria established by the Board of Education and stipulated in the *Code of Virginia*: 1) feasibility, 2) curriculum, and 3) financial soundness. A summary report of the committee's findings is submitted below.

Area 1: Feasibility

Under the area of feasibility, the applicant addressed the four required topics. These topics were: 1) mission statement; 2) goals and educational objectives that meet or exceed the Standards of Learning; 3) evidence of support from parents, teachers, pupils, and residents of the school division in support of the formation of the charter school; and 4) statement of need. The committee made suggestions for the applicant in each of these areas.

Area 2: Curriculum

Under the area of curriculum, the applicant addressed the four required topics. These topics were: 1) the public charter school's educational program; 2) pupil performance standards; 3) pupil evaluation including assessments, timeline, and corrective action; and 4) a timeline for the achievement of the stated standards and goals and a procedure for corrective action if student performance falls below the stated standards and goals. The committee made suggestions for the applicant in each of these areas.

Area 3: Financial Soundness

Under the area of financial soundness, the applicant addressed the one required topic: a financial plan that included evidence of economical soundness, a proposed budget, and an annual audit. The committee made suggestions for the applicant in this area.

Annual Report of the State Special Education Advisory Committee

Mr. Douglas Cox, assistant superintendent for special education and student services, presented this item. Dr. Michael Behrmann, chair, state special education advisory committee assisted Mr. Cox. Mr. Cox 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. Dr. Behrmann presented the report to the Board. The report included the following:

ISSUES ADDRESSED BY THE SUBCOMMITTEES OF THE SSEAC

PERSONNEL

Federal and State Supported Grant Activity

Members of the Personnel Subcommittee, not affiliated with colleges or universities, served as proposal reviewers for Traineeships for Education of Special Education Personnel through IDEA Part B Funds. These traineeships are intended to provide resources to special education personnel preparation programs and teacher candidates who are seeking a five-year renewable license in special education: general curriculum. Awards were made to George Mason University and Old Dominion University to deliver statewide licensure programs to teachers of students with disabilities accessing the general curriculum.

Federal grants have been obtained by several Institutions of Higher Education (IHEs) in the state to supplement state funding and Virginia was very successful in obtaining planning grants to produce highly qualified new special education teachers, with Virginia IHEs getting four of nine nationally funded projects.

Recruitment Initiatives

The Personnel Subcommittee members were asked to recommend strategies for recruiting new candidates for a career in special education. After a discussion of *Teach Virginia* and *Teachers Rock* campaigns, the committee members suggested that new recruitment efforts be focused on college-age students, rather than high school or elementary school students, since college-age students are more likely to make career decisions in the near future. With the current state of the economy and employment problems of current graduates, the committee suggested that the time is right to focus on freshmen, sophomores and juniors in college.

Personnel from the Division of Teacher Education and Licensure and Division of Special Education and Student Services reviewed a draft marketing plan which includes the following activities:

- Coordinate the Teachers Rock campaign with the Teachers for Tomorrow program and strengthen the relationship with high school transition specialists. Teachers for Tomorrow programs offer high school students the opportunities to explore careers in education while in high school.
- Create a stronger alliance with Virginia Associations of Colleges and Employers to explore college options for students with disabilities (including information on Virginia College Quest).

Personnel Preparation Initiatives

The Personnel Subcommittee has worked for several years to promote specialized preparation programs across the state. Two of these programs were implemented during the last year. These programs include:

- The Aspiring Special Education Leaders program started with an initial cohort of 30 school division nominees. Members of the aspiring leaders' cohort were guests of the SSEAC at the February 2009 meeting.
- The Vision Impairment Consortium was initiated with ODU, GMU, NSU, RSU and JMU participating. The formal approved program was submitted and the program of study was approved by VDOE.

RESPONSE TO INTERVENTION (RtI)

The RtI subcommittee was formed in 2008 for the purpose of keeping current on the state's implementation of RtI. Ms. Susan Trulove, RtI specialist, VDOE, provided an overview of the RtI framework. She shared copies of Virginia's RtI guidance document entitled "Responsive Instruction: Refining Our Work of Teaching All Children." A list of the fifteen pilot schools supported by VDOE and a schedule of upcoming RtI monthly pilot training sessions across the state were also provided. This subcommittee discussed possible ways the SSEAC could help promote RtI such as sharing information with parents and local advisory committees (LACs).

The subcommittee reviewed and commented on a draft monograph entitled "Frequently Asked Questions (FAQ) Response to Intervention and the Eligibility Process." The FAQ monograph, a supplement to the guidance document, is designed to assist school divisions in their implementation of RtI as it relates to the special education eligibility process. In addition to the subcommittee's review of the draft document, feedback was sought from other stakeholders as well. The monograph was revised in response to stakeholders' comments. The subcommittee will continue to receive updates and look into how schools that are not pilot sites are implementing RtI. The subcommittee will be interested in challenges and questions that are confronted when implementing RtI such as delay of referral for special education evaluation, referrals for special education evaluation when there were no or limited research-based instruction/intervention.

POLICY & REGULATION

In response to the final public comment period for the revisions to state special education regulations, the subcommittee met on April 23 to review the previously submitted SSEAC public comment regarding the proposed revisions. The committee agreed to present two issues to the full SSEAC for consideration of public comment:

Age of Eligibility – Developmental Delay: Changes from 2-8 to 2-5

Supports maintaining language from 2002 regulations, which allow the LEA option for DD for ages 5-8.

Rationale: Moving the mandatory age to 6 reduces the school's flexibility.

Local special education advisory committee composition – LEA staff as voting member

Support the LAC composition remaining the same as in the 2002 regulations.

Rationale: If a teacher is permitted to be a voting member on LACs, in smaller LAC's, there may be undue influence by people who are paid by the system.

The SSEAC approved the subcommittee recommendations on April 24 and transmitted the comment to the VDOE.

CONSTITUENCY INVOLVEMENT

Members discussed possible options for future meeting arrangements to involve more constituents. Web conferencing and other options might be available. They also discussed updating contact information and the use of Listservs. The subcommittee recommended that all constituency representatives to the SSEAC utilize the flyer to advertise committee meetings and to take advantage of their networking lists to communicate with their constituency groups.

STATE OPERATED PROGRAMS

The subcommittee met April 30, 2009, to review the annual plans submitted by the state operated programs and the Virginia School for the Deaf and the Blind.

RESTRAINT & SECLUSION

The SSEAC has addressed the use of restraint and seclusion of students with disabilities and worked collaboratively with the VDOE to prepare the guidelines document issued in 2006. During the 2008-2009 year, the committee expressed renewed interest in this issue and requested and received from the department a status report on the implementation of the policies and procedures recommended in the guidelines.

VIRGINIA SCHOOL FOR THE DEAF AND THE BLIND

Through reports from department staff, the SSEAC monitored the transition of students from the closed Hampton school to the Staunton campus or to their local divisions. The committee was also apprised of the renovations of the Staunton campus.

ASSESSMENT AND ACCOUNTABILITY

The Virginia Modified Achievement Standard Test (VMAST) was introduced to the committee and continues to be monitored as completion and pilot testing proceed. The SSEAC is represented on the steering committee of this new assessment tool. The SSEAC continues to study the reports of the State Performance Plan/Annual Performance Report (SPP/APR), specifically the indicators related to results of assessment for students with disabilities.

ACCESS TO GENERAL CURRICULUM

The volume of public comment directed toward the accessibility of general curriculum in the least restrictive environment prompted several discussions and presentations of inclusive practices throughout the state. The SSEAC will continue to focus on the programming, staff development, and accountability measures to assure access to the general curriculum in the least restrictive environment for students with disabilities. Appropriate accommodations, improved access to instructional specialists, and appropriate assessment are ongoing concerns to be pursued on a regular basis.

YOUTH SELF-DETERMINATION

The SSEAC received an overview of the self-advocacy and self-determination projects being implemented throughout the state. Middle school transition plans were also linked to those projects. The SSEAC continues to support the promotion of the increased involvement of self advocates. The committee was briefed by VDOE staff that youth leaders with disabilities recently advocated for the Governor to declare October as disability history and awareness month in Virginia.

VIRGINIA ACCESSIBLE INSTRUCTIONAL MATERIALS CENTER (AIM-VA)

The SSEAC was informed of Virginia's initiative to address the federal NIMAS (National Instructional Materials Accessibility Standards) for students with disabilities who require alternate print, Braille, or audio instructional materials. A center has been established at George Mason University to process textbooks and other instructional materials requested by school divisions into various formats including electronic books and Braille. The SSEAC followed the implementation of the center during this first academic year. The SSEAC applauds the state's leadership in establishing AIM-VA.

FUTURE ISSUES

Listed below are areas on which the SSEAC will continue to monitor and advise the Virginia Department of Education and the Board of Education as they work for the families and students of Virginia.

SPECIAL EDUCATION REGULATIONS

The Policy & Regulations subcommittee will be charged to monitor the implementation of the new regulations as the next academic year commences. Specifically, the SSEAC will continue to focus efforts towards parent education and training on the new regulations, in addition to the new Parent's Guide to Special Education. *Reauthorization of the No Child Left Behind Act of 2001* (NCLB) will be monitored as well.

BULLYING AND DISABILITY HARASSMENT

As a result of the changes in the new regulations that require LEAs to have policies that prohibit disability harassment, the SSEAC will be reviewing programs that have been implemented in Virginia and across the country. This has become a national issue and has received much press recently.

RESTRAINT & SECLUSION

The SSEAC will continue to monitor the implementation of restraint and seclusion policies and procedures.

SECONDARY TRANSITION and SELF ADVOCACY

The SSEAC will continue to monitor self advocacy initiatives throughout the Commonwealth and encourage expansion of such programs. The committee will also monitor secondary transition programs and receive reports from the statewide postsecondary outcomes survey conducted by the VDOE as part of the SPP/APR requirements. The SSEAC will follow developments from provisions in the Higher Education Act of 2008 that made students with Intellectual and Developmental Disabilities eligible for Pell grants and work study.

ACCESSIBLE INSTRUCTIONAL MATERIALS

The SSEAC is planning to review and monitor potential expansion of the statewide library AIM-VA services to children under 504 plans as well as students needing accessible instructional materials under their IEPs.

SPECIAL EDUCATION TEACHER SHORTAGES

Due to the continued needs for licensed special education teachers and the fact that they continue to be the top shortage area in the state, the SSEAC plans to research alternatives available in other states to addressing the critical shortage of special education teachers.

AUTISM

The SSEAC will continue to monitor the educational issues related to instructional strategies for students with Autism Spectrum Disorders (ASDs). The committee will request periodic updates from VDOE staff, review updated information, and assist in Virginia's future plans for addressing the educational needs of students with ASD.

ASSESSMENT ISSUES

Based upon the variety of assessment options that have been developed in Virginia for students with disabilities, the SSEAC will study the use of the Virginia Grade Level Alternative Assessment (VGLA) and the Virginia Substitute Evaluation Program (VSEP) in order to address issues that have appeared as a result of public comments and the data presented by VDOE. The SSEAC will also provide feedback to VDOE on the development of the new Virginia Modified Achievement Standard Test.

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

Annual Report of the Virginia Advisory Committee for Career and Technical Education

Ms. Elizabeth Russell, director, office of career and technical education, presented this item. Mr. Mike Mills, chair; Ms. Judy Sorrell, vice-chair, Ms. Sandy Hespe, secretary of the Virginia Advisory Committee for Career and Technical Education, assisted Ms. Russell. The report included the following:

**Career and Technical Education Advisory Council
Program of Work
(July 1, 2009 - June 30, 2013)**

Mission: The function of the Virginia Advisory Committee for Career and Technical Education is to assist in providing information about the needs of career and technical education students and programs to the Board of Education and the Department of Education and to make recommendations regarding career and technical education.

Goal	Action Steps	Specific Deliverables
Advocate for CTE programs, funding and other resources	<ul style="list-style-type: none"> • Maintain contact with Virginia Career Education Foundation (VCEF), Virginia Association of Career and Technical Education (VACTE), and Virginia School Counselors Association (VSCA) 	<ul style="list-style-type: none"> • Annual Report • Educate Legislative Members

	<ul style="list-style-type: none"> • Advocate, develop, and/or implement marketing strategy for CTE programs • Share knowledge of CTE activities at VDOE by reports from Director and department updates including national best practices • Identify data to measure success of CTE beyond the "School Report Card". <i>(Examples might include data on the time it takes for CTE completers to complete post secondary education.)</i> 	
Coordinate more effectively with local advisory councils	<ul style="list-style-type: none"> • Visit local and regional advisory council meetings • Train Local Advisory Councils (LACs) • Establish network with LACs • Conduct periodic state summit with LACs for training and sharing • Develop e-newsletters to send to LACs 	<ul style="list-style-type: none"> • Repository for Best Practices • Schedule one meeting per year • Review and update handbook • Utilize Webinar for training
Communicate and network regularly with the VBOE	<ul style="list-style-type: none"> • Serve as a review and clearinghouse for CTE information to VBOE including success stories • Share information with VBOE on a member-to-member basis • Ask for specific topics for our review and consideration from VBOE 	<ul style="list-style-type: none"> • Invite VBOE representatives to our meetings • Attend September meeting • Conduct orientation for new members
Identify and address issues that impact the development of CTE programs	<ul style="list-style-type: none"> • Explore Industry credentialing (type, quality, etc.) • Develop/create partnerships • Gather feedback from CTE graduates • Investigate supply of qualified CTE teachers and teacher preparation programs • Support creation of consistent statewide policy on dual enrollment • Audit of Program Relevancy & Quality 	<ul style="list-style-type: none"> • Elevate Awareness/importance of CTE • Alternative for Special Education • Annual update from Completers • Annual Update from Completers Create current reality assessment and then recommend next steps
Monitor issues that might impact the quality of CTE in the state of Virginia	<ul style="list-style-type: none"> • Funding • Credentialing • Age/quality/maintenance of equipment & technology used to teach CTE • No Child Left Behind (NCLB) legislation • Standardization of community college and 4 year colleges of transfer credits • Instruction <ul style="list-style-type: none"> • Curriculum • Assessment • Rigor (academic credit, AP, weighted) • Diploma Options • Allocation of Perkin's funds, 7-12 CTE • Monitor Perkins funding • Monitor State funding 	<ul style="list-style-type: none"> • Annual Update from Completers Foreign Language for Business/ Industry - workplace • Create current reality assessment of each one then recommend next steps

Mrs. Saslaw made a motion to receive the report and disseminate to the public upon request. The motion was seconded by Mrs. Castro and carried unanimously.

DISCUSSION OF CURRENT ISSUES

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. Krupicka, Mr. Moore, Mrs. Saslaw 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.

Mr. Kelvin Moore announced that, due to time commitments related to his business, he is resigning his seat on the Board of Education. He expressed his thanks to other members of the Board and to staff for their good work during his tenure. Dr. Emblidge said on behalf of the Board that Mr. Moore will be missed, and he thanked Mr. Moore for his service.

ADJOURNMENT

There being no further business of the Board of Education and Board of Career and Technical Education, Dr. Emblidge adjourned the meeting at 12:07 p.m.

President