

**Minutes of the  
North Carolina State Board of Education  
Education Building  
301 N. Wilmington Street  
Raleigh, NC 27601-2825  
July 1, 2008**

<b>Education Building, Raleigh</b>	<b>Tuesday, July 1, 2008</b>	<b>Board Room, 2:00 PM</b>
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The North Carolina State Board of Education met by conference call and the following members were present:

Howard N. Lee, Chairman	Kathy Taft
Wayne McDevitt, Vice Chairman	John Tate
Melissa Bartlett	Tom Speed
Shirley Harris	Patricia Willoughby
Kevin Howell	

Also present was:

June St. Clair Atkinson, State Superintendent

**CALL TO ORDER AND INTRODUCTION**

After extending a warm welcome to all present, Chairman Howard Lee called the July session of the State Board of Education conference call meeting to order. He explained that the Board was meeting as a committee of the whole and convening with members present via conference call. Board members are joining us from across the state, from the mountains to the shore, and staff members are participating in Raleigh while others are joining via phone from Asheville where they are participating in the Summer Leadership Conference. Chairman Lee explained the meeting structure to the audience noting that the agenda includes only Action and Action on First Reading items this month and that Board Members will vote on each item as it is considered. At this time, Board Attorney Katie Cornetto conducted a roll call to determine a quorum.

In compliance with the requirements of Chapter 138A-15(e) of the State Government Ethics Act, Chairman Lee reminded Board members of their duty to avoid conflicts of interest and appearances of conflicts of interest under Chapter 138A. He asked if members of the Board knew of any conflict of interest or any appearance of conflict with respect to any matters coming before them during this meeting. No Board members indicated a conflict of interest at this time. The Chairman then requested that, if during the course of the meeting, members became aware of an actual or apparent conflict of interest that they bring the matter to the attention of the chair. It would then be their duty to abstain from participating in discussion and from voting on the matter.

## MINUTES

*Chairman Lee asked for a motion to approve the minutes of the June 4-5, 2008, Board meeting. A motion was made by Mr. John Tate and seconded by Ms. Kathy Taft. The Board voted unanimously to approve the minutes of the June 4-5, 2008, meeting as presented.*

Chairman Lee noted that two items have been removed from the agenda for additional work and will be rescheduled later this summer or early fall. These two items are TCP 2 – Licensing Physical Education and Health Teachers, and HRS 1 – Schools At Risk of Being Labeled a Persistently Dangerous School.

Chairman Lee then called on the priority chairs to present items in their respective areas for *Action*.

## **CHAIR REPORTS ON ACTION AND ACTION ON FIRST READING AGENDA**

### **GLOBALLY COMPETITIVE STUDENTS (Ms. Kathy Taft, Chair; Ms. Tricia Willoughby, Vice-Chair)**

#### ***ACTION ON FIRST READING***

#### **GCS 1 - Changes to NC's NCLB Consolidated State Application Accountability Workbook** **Policy Implications:** SBE Policy #EEO-I-005; No Child Left Behind (NCLB) Act

**Presenter(s):** Dr. Louis M. Fabrizio (Director, Accountability Services Division)

#### **Description:**

On February 15, 2008, Superintendent Atkinson and Deputy Superintendent Buxton responded to the U.S. Department of Education's (USED) letter to State Superintendents, which laid out the structure for States to propose amendments to their Accountability Workbooks. A copy of the letter is attached and contains the amendments under consideration. North Carolina recently received a letter from the USED outlining the changes the State Board of Education can make to the State's Accountability Workbook. The SBE will be sent a copy of the Workbook with the appropriate changes highlighted prior to the July SBE meeting. The amended Workbook will be submitted to the USED as soon as possible for its final review and approval.

#### **Recommendations:**

It is recommended that the Board approve the revisions to the North Carolina Accountability Workbook.

#### **Discussion/Comments:**

- Dr. Lou Fabrizio reminded Board Members that this agenda item was pulled from the agenda for several months because an official response had not been received from the U.S. Department of Education (USED) regarding whether or not our proposed changes met with the Department's approval. He noted that a copy of the June 6, 2008, letter from USED reflecting acceptable amendments is included in the Board materials (pgs. 53-55). Dr. Fabrizio provided a detailed summary of the changes included in the Workbook based on this latest communication.
- As a tie-in to the next agenda item, Dr. Fabrizio reminded Board Members that the Department asked the USED for permission to hold schools harmless based on the new

- reading results that will be coming out in the fall; however, as specified in the letter from USED, they denied our request to hold those schools harmless. Dr. Fabrizio emphasized that the Board needs to understand that the Department is also in the process of applying for a statewide pilot that will allow North Carolina to switch the order of sanctions from offering public school choice as the first option to offering Supplemental Educational Services (SES). Dr. Fabrizio anticipates approval for the pilot so that, in November when the reading results are available, schools will have the ability to offer the SES and not have such a disruptive midyear process. In addition, the other item that the USED did not allow is a 5-year cohort graduation rate for AYP purposes. Currently, the 5-year cohort graduation rate is only used to determine whether a high school can access safe harbor for AYP purposes. It does not preclude the state, down the road, from potentially having a 5-year cohort rate as part of its new high school ABCs accountability component.
- Vice Chairman Wayne McDevitt's question about intervention strategies if the pilot is not approved resulted in a brief discussion about sanctions and interventions as well as concern about the timeline for receiving the reading scores in the fall.
  - There was no additional discussion.

*Upon motion by Ms. Kathy Taft, and seconded by Mr. Tom Speed, the Board voted unanimously to approve the revisions to the North Carolina Accountability Workbook. (See Attachment GCS 1)*

***ACTION ON FIRST READING***

**GCS 2 – Changes to Policy Delineating the Components of the ABCs Accountability Program Including Adequate Yearly Progress (AYP for 2007-08 School Year)**

**Policy Implications:** SBE Policy # HSP-C-020; No Child Left Behind (NCLB) Act of 2001

**Presenter(s):** Dr. Louis M. Fabrizio (Director, Accountability Services Division)

**Description:**

HSP-C-020 was presented to the SBE in March 2008. Recently, the U.S. Department of Education (USED) responded to the agency's letter of February 15, 2008, regarding changes to the North Carolina Accountability Workbook. As a result, SBE policy HSP-C-020 is being modified to reflect the USED response regarding inclusion of reading results for AYP grades 3-8 and not allowing a 5-year cohort graduation rate for AYP purposes. It now also reflects all appropriate alternate assessments in the policy. In addition, changes will be made to the North Carolina Accountability Workbook as a separate agenda item.

**Recommendations:**

It is recommended the Board approve the changes to the HSP-C-020 policy for the 2007-08 school year.

**Discussion/Comments:**

- Dr. Lou Fabrizio directed the Board's attention to page 9 for a list of the components new to the policy (HSP-C-020). Dr. Fabrizio walked Board Members through the major revisions reflected in the proposed policy.
- There was no additional discussion.

*Upon motion by Ms. Kathy Taft, and seconded by Ms. Shirley Harris, the Board voted unanimously to approve the changes to the HSP-C-020 policy for the 2007-08 school year. (See Attachment GCS 2)*

***ACTION ON FIRST READING***

**GCS 3 – Recommended Interim Academic Achievement Standards (Cut Scores) and Descriptors for the NCEXTEND1 Alternate Assessments (Mathematics Grades 3-8 & 10, Writing Grades 4, 7, & 10 and Reading Grade 10)**

**Policy Implications:** General Statute § G.S.115C.174.11; SBE Policy # HSP-C-029; and Other Individuals with Disabilities Education Act (IDEA) and No Child Left Behind Act of 2001

**Presenter(s):** Dr. Louis M. Fabrizio (Director, Accountability Services Division)

**Description:**

The recommended interim academic achievement standards (cut scores) and achievement level descriptors for the NCEXTEND1 alternate assessments (Edition II) in the areas of mathematics grades 3-8 and 10, writing grades 4, 7, and 10, and reading grade 10 are being provided for adoption on first reading at the July 1, 2008, conference call meeting of the State Board of Education.

The NCEXTEND1 is a redesigned and implemented alternate assessment for students with severe cognitive disabilities. The NCEXTEND1 Edition II replaced the NCEXTEND1 Edition I effective with the 2007-08 school year. The recommended standards for these tests were set using teacher judgment information under the Contrasting Groups' method along with the use of the Reasoned Judgment method which involved assessment, Exceptional Children, and content experts analyzing consequential data and the use of exemplars to determine the recommended cut scores for each of the tests.

The Department recommends that the recommended standards be adopted as interim standards to be applied to assessments administered during the 2007-08 school year. The interim standards recommended at this time are to be re-evaluated for the 2008-09 school year once a test-based method is used to validate the cut scores and the achievement level descriptors.

The recommended standards for each of these tests will be provided to the SBE members, separately, prior to the conference call meeting of the Board on July 1, 2008.

**Recommendations:**

The department recommends that the interim academic achievement standards (cut scores) and achievement level descriptors for NCEXTEND1 in the areas of mathematics grades 3-8 and 10, writing grades 4, 7, and 10, and reading grade 10 be adopted for implementation effective with the 2007-08 school year.

**Discussion/Comments:**

- Board Member Kevin Howell recused himself from discussion and voting on this item.
- Dr. Lou Fabrizio noted that Board members received a copy of the policy proposal via email. He recommended that Board members adopt the proposed standards as interim standards administered during the 2007-08 school year and re-evaluated for the 2008-09 school year once a test-based method is used to validate the cut scores and the achievement level descriptors.
- There was no additional discussion.

*Upon motion by Ms. Kathy Taft, and seconded by Mr. Wayne McDevitt, the Board voted to adopt the interim academic achievement standards (cut scores) and achievement level descriptors for NCEXTEND1 in the areas of mathematics grades 3-8 and 10, writing grades 4, 7, and 10, and reading grade 10 for implementation effective with the 2007-08 school year. Mr. Kevin Howell recused himself from the vote. (See Attachment GCS 3)*

***ACTION ON FIRST READING***

**GCS 4 – Approval of Supplemental Educational Services Provider for 2008-09**

**Policy Implications:** PL 107-110, No Child Left Behind

**Presenter(s):** Dr. Rebecca Garland (Interim Associate Superintendent, Innovation and School Transformation) and Mrs. Charlotte Hughes (Interim Director, Student Support Services)

**Description:**

The reauthorization of ESEA, Section 1116 of Title I in No Child Left Behind, requires that students attending schools in Title I School Improvement for the second year (failure to make Adequate Yearly Progress (AYP) for three years) receive supplemental educational services paid with Title I funds. Achieve Success Tutoring by University Instructors, Inc. was not recommended as a Supplemental Educational Services (SES) provider and asked for reconsideration. A review team made up of a Title I Consultant, the Acting Director of the Early/Elementary School Council, and the Interim Director of Student Supports Services reviewed the application and unanimously agreed that Achieve Success Tutoring by University Instructors, Inc. met all required components of the application to be recommended for approval as a SES provider.

**Recommendations:**

The State Board is requested to approve Achieve Success Tutoring by University Instructors, Inc. as a Supplemental Educational Services provider.

**Discussion/Comments:**

- Responding to a question from GCS Committee Chair Kathy Taft, Ms. Charlotte Hughes confirmed that Achieve Success Tutoring went through the same approval process as other supplemental educational service providers.
- There was no additional discussion.

*Upon motion by Ms. Kathy Taft, and seconded by Mr. John Tate, the Board voted unanimously to approve the Achieve Success Tutoring by University Instructors, Inc. as a Supplemental Educational Services provider. (See Attachment GCS 4)*

**21<sup>ST</sup> CENTURY PROFESSIONAL COMMITTEE CHAIR REPORT**  
**(Ms. Shirley Harris and Ms. Eulada Watt, Co-Chairs)**

***ACTION***

**TCP 1 – Approval/Adoption of the New Teacher Evaluation Instrument**

**Policy Implications:** SBE Policy # TCP-C-006

**Presenter(s):** Dr. Jean Williams (Vice President of Research and Evaluation, McREL [Mid-continent Research for Education and Learning]) and Ms. Carolyn McKinney (Executive Director, NC Professional Teaching Standards Commission)

**Description:**

In June 2007, the State Board of Education adopted new standards for the evaluation of teachers. Following adoption of the new standards, the Department of Public Instruction contracted with McREL to develop and validate a new evaluation instrument. A new instrument has been developed, piloted, and validated. The new instrument was presented for discussion last month and is presented for approval this month.

**Recommendations:**

It is recommended that the Board approve the proposed new evaluation instrument for teachers.

**Discussion/Comments:**

- Responding to a question about input from the field, TCP Committee Co-Chair Harris noted that the Department did receive input resulting in a revision to the evaluation instrument based on that feedback.
- Ms. Harris further noted that next year, 13 LEAs would be using this evaluation instrument (the instrument is no longer a pilot) and within three years all districts will be phased in utilizing this tool.
- Ms. Carolyn McKinney provided a brief report about the Train the Trainers efforts.
- Vice Chairman Wayne McDevitt inquired about who to contact about volunteering assistance toward this effort. According to Ms. McKinney, anyone interested in volunteering should contact her.
- There was no additional discussion.

*Upon motion by Ms. Shirley Harris, and seconded by Ms. Melissa Bartlett, the Board voted unanimously to approve the proposed new evaluation instrument for teachers. (See Attachment TCP 1)*

***ACTION ON FIRST READING*****TCP 3 – Recommendations from the Advisory Board on Requests for Exception from Teacher Licensing Requirements**

**Policy Implications:** SBE Policy #QP-A-021

**Presenter(s):** Dr. Kathy Sullivan (Senior Policy Analyst, SBE Office)

**Description:**

In April 2006, the Board adopted a policy to allow individuals who have not met licensing requirements due to extenuating circumstances to request an exception from the requirement or an extension of time. The request must include documents from the teacher, the principal, the superintendent, and the chair of the local board of education. In June, a similar policy was approved to allow colleges and universities to submit requests for exception to Praxis I testing requirements on behalf of students seeking admission to teacher education programs. Requests are evaluated by a panel chaired by a member of the State Board. Panel recommendations will be presented in closed session.

**Recommendations:**

It is recommended that the actions related to each request be approved.

**Discussion/Comments:**

Action on this item was taken in closed session.

**TWENTY-FIRST CENTURY SYSTEMS  
BUSINESS/FINANCE AND ADVOCACY COMMITTEE CHAIR REPORT  
(Mr. Kevin Howell, Chair, and Mr. John Tate, Vice-Chair)**

***ACTION ON FIRST READING***

**UPDATE ON CONTRACTS**

(See Attachment in book)

- There was no discussion.

**Executive Director's Report**

SBE Executive Director Dr. Rebecca Garland provided a brief report on legislative activity specifically as it relates to the budget. Following the State Board's emergency meeting on June 23, there was movement from the original Conferee budget that was released. The latest numbers that disclosed were \$35 million for diesel fuel and \$90 million for ABCs bonuses; however, according to Legislative Liaison Ms. Chris Minard, the conferees reached an impasse in their negotiations and were unable to resolve the budget. Therefore, the budget is now in the hands of Senator Basnight and Speaker Hackney. They are responsible for making the final resolution on the budget.

In addition, Dr. Garland provided a status report of following bills of interest to the Board and will keep the Board members updated.

**HB 12 – Students w/Disabilities & Special Ed Changes**

“An act to amend the definition of "educational services" for students with disabilities; to amend the law to allow a designee or designees of a student's IEP team to evaluate the continued appropriateness of homebound instruction for discipline purposes for students with disabilities as recommended by the Joint Legislative Education Oversight Committee; to add a protection for children not determined eligible for special education as recommended by the house select committee on education of students with disabilities; and to direct the Department of Public Instruction and the State Board of Education to report on contested cases based on the additional protection.”

**HB388 – Tax Credits for Children with Special Needs**

“An act to allow an individual income tax credit for part of the expense of avoided public education for children with special needs who require special education and related services outside the regular classroom and to authorize counties to appropriate funds for these children educated other than in public schools.”

**STATE SUPERINTENDENT'S REPORT**

In her Superintendent's Report, Dr. Atkinson reported that she has invited association representatives and others to join her on July 9 for a Graduation Awareness Roundtable Meeting to discuss the Board's mission of increasing the graduation rate to 100 percent and to preview the “InsideOut” documentary produced by Dr. Shelley Stewart. In addition, she announced that Governor Easley has declared the second week in September as “Graduation Awareness Week.”

**DEPUTY STATE SUPERINTENDENT’S REPORT**

Deputy State Superintendent J.B. Buxton reported that the Department has shared with local superintendents the Department’s updated organizational chart, “Who to Call” list, and the Department’s Strategic Planning and Performance tool.

**OLD BUSINESS**

N/A

**NEW BUSINESS**

N/A

**CLOSED SESSION/ADJOURNMENT**

*Mr. Wayne McDevitt moved that the Board go into closed session to consider personnel matters related to TCP 3 – Recommendations from the Advisory Board on Requests for Exception from Teacher Licensing Requirements. Mr. John Tate seconded the motion and the Board voted unanimously to go into closed session.*

*Mr. Wayne McDevitt moved that the Board adjourn closed session and return to open session. The motion was seconded by Mr. John Tate and the Board voted unanimously to go into open session.*

*Upon motion by Mr. Wayne McDevitt and seconded by Mr. John Tate, the Board voted unanimously to adjourn the June 24, 2008, State Board of Education’s emergency meeting.*