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STATE BOARD OF EDUCATION
July 9, 2009

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NOTE: This meeting can be viewed by going into the Department of Education Website, www.gadoe.org, under State Board of Education/Webcasts.

**MINUTES OF THE
STATE BOARD OF EDUCATION MEETING**

**Atlanta, Georgia
Wanda Barrs, Chairman**

**July 9, 2009
Kathy Cox, Superintendent**

The State Board of Education met in an official meeting on Thursday, July 9, 2009, at 8:10 a.m. in the State Board Room.

Executive Session

By motion of Mr. Perez, seconded by Mrs. Zechmann, a unanimous affirmative vote was given to go into Executive Session for the purpose of discussing waivers, appeals, legal and personnel matters.

At 10:00 a.m., by motion of Mr. Burdette, seconded by Mr. Bryant, a unanimous affirmative vote was given to come out of Executive Session.

Roll Call

Ms. Wanda Barrs	Mr. Al Hodge	Mr. Allen Rice
Mr. Brad Bryant	Dr. Mary Sue Murray	Mr. Larry Winter
Mr. Brian Burdette	Mr. Jose Perez	Mrs. Linda Zechmann

Absent: Dr. Jim Bostic, Mr. Buzz Law, and Dr. Elizabeth Ragsdale. District three is vacant.

Inspiration/Pledge of Allegiance

Superintendent Cox gave the inspiration and led the audience in the Pledge of Allegiance.

Chair Barrs introduced Ms. Catherine Maddox, member of the Fulton County Board of Education to the audience.

ACTION ITEMS

AGENDA

By motion of Mr. Hodge, seconded by Mr. Bryant, a unanimous affirmative vote was given to approve the agenda as amended for the July 9, 2009 State Board Meeting.

CONSENT AGENDA

By motion of Mr. Bryant, seconded by Mr. Winter, a unanimous affirmative vote was given to approve the following items on the amended Consent Agenda.

All of these items in their entirety, with backup material, can be found on the State Board of Education E-Board website, July 9, 2009 State Board Meeting.

1. FY 10 – Director of Implementation for the Alliance of Education Agency Heads. Authorized the State Superintendent of Schools to enter into a contract with the University System of Georgia and the Technical College System of Georgia at a cost not to exceed \$74,672.00 in State funds for the salary of the Director of Implementation for the Alliance of Education Agency Heads.
2. FY 10 Contract – Charter Bus Service for Georgia School for the Deaf Homegoing and Return Trips. Authorized the State Superintendent of Schools to enter into a contract with Joyce Darwin d/b/a Leisure Time Activities at a cost not to exceed \$78,912.00 in Federal funds for charter bus service for the Georgia School for the Deaf (GSD).
3. FY 10 Contract Amendment – Georgia Virtual School Desire2Learn. Authorized the State Superintendent of Schools to amend the contract with Desire2Learn (D2L) to extend the contract by 153 days to December 31, 2009 and/or at a cost not to exceed \$175,000.00 in State funds.
4. FY 10 Contract – Educational Technology Centers (ETCs) FY 10. Authorized the State Superintendent of Schools to enter into a contract with 13 Educational Technology Centers (ETCs) at a cost not to exceed \$3,319,980.00 in State/Federal funds.
5. Grant – State Personnel Development Grant for Special Education (SPDG) FY 10. Authorized the State Superintendent of Schools to award a grant to Local Education Agencies (LEAs) and Regional Education Service Agencies (RESAs) at a cost not to exceed \$1,252,000.00 in Federal funds for grant activities.
6. Grant – FY 10 title I, Part A and Title I, Part A Neglected and Delinquent Reserve Formula Grants to LEAs. Authorized the State Superintendent of Schools to award a grant to Local Educational Agencies (LEA) at a cost not to exceed \$470,240,019.00 in Federal funds for disbursement of federal grants.
7. Northwest Georgia RESA – FY 10. Authorized the State Superintendent of Schools to enter into a contract with Northwest Georgia RESA at a cost not to exceed \$90,000.00 in State funds for development of endorsement programs.
8. FY 10 – Grant - RESA Title I School Improvement Grants. Authorized the State Superintendent of Schools to award a grant to Regional Educational Service Agencies (RESAs) at a cost not to exceed \$3,870,960.00 in Federal funds for school improvement services to Title I schools in AYP consequence levels 1-3. *(Complete list can be found on e-Board, July 9, 2009 State Board Meeting, under Consent Agenda.)*

9. Grant – title II, Part A – Highly Qualified Teachers and Improving Teacher Quality State Grants (ESEA) FY 10. Authorized the State Superintendent of Schools to award a grant to Local Educational Agencies (LEAs) at a cost not to exceed \$76,000,475.00 in Federal funds for the Highly Qualified Teachers and Improving Teacher Quality State Grants (ESEA Title II, Part A) for FY10.
10. FY 10 McKinney-Vento Education for Homeless Children and Youth (EHCY) and McKinney-Vento American Recovery and Reinvestment Act of 2009 (ARRA) Grant Allocations. Authorized the State Superintendent of Schools to award a grant to 19 school districts at a cost not to exceed \$2,796,422.00 in Federal funds.
11. FY 09 Grant – Fresh Fruit and Vegetable Program Amendment. Authorized the State Superintendent of Schools to amend the previously approved grantee list to remove one school and add two schools in order to provide grants in the amount of \$10,460.22 in Federal Funds.
12. FY 10 Grant – Fresh Fruit and Vegetable Program Amendment. Authorized the State Superintendent of Schools to award a grant to 55 Georgia schools at a cost not to exceed \$1,800,632.49 in Federal Funds for the Fresh Fruit and Vegetable Program.
13. Renewal Charter Petition – Odyssey School. Approved a renewed charter for the Odyssey School, a K-8 state chartered special school, which includes the Georgia Virtual Academy (Cyber School), for a two-year term, from July 1, 2009 to June 30, 2011.
14. Waiver Request for Cherokee County Schools. Approved a waiver of specified portions of State Board of Education (SBOE) Rule 160-5-1-.22 Personnel Required to allow Cherokee County Schools to employ a full-time Assistant Principal for Polaris Evening School.
15. Governor’s Office of Student Achievement 2008 CRCT Retest Audit Findings and Recommendations. Authorized the State Superintendent of Schools to accept the 2008 5th grade CRCT retest audit findings and recommendations detailed below.

The Governor's Office of Student Achievement (GOSA) is charged by statute (O.C.G.A. 20-12-24) to audit and inspect schools and Local Education Agencies (LEA). GOSA discovered data irregularities in the 2008 CRCT 5th grade retest. State Board Rule 160-7-1-.03 (3)(b) states that each school's Accountability Profile shall include an AYP determination, as required by No Child Left Behind, which is based primarily on the administration of state assessments. The policies and procedures set forth by the Georgia Department of Education to ensure high test security were not followed.

1. Atherton Elementary (DeKalb),
2. Burroughs-Molette Elementary (Glynn),
3. Deerwood Academy (Atlanta), and
4. Parklane Elementary (Fulton):

- A) Invalidate the 2008 CRCT 5th grade retest scores;
 - B) Reinstate the Spring 2008 AYP determinations;
 - C) Require that formal accountability consequences follow from July 2008 determinations to July 2009 determinations;
 - D) Require the school systems to send a notification letter to parents of affected students;
 - E) Request that the receiving middle schools in the systems design and follow an individual support plan for affected students who continue to struggle with mathematics.
16. Georgia Special needs Scholarship Program – 2009-2010 Private School List. Approved the attached list of private schools to participate in the Georgia Special Needs Scholarship Program for the 2009-2010 school year. (*See E-Board, July 9, 2009 State Board meeting under Consent Agenda for list.*)
 17. Approval of the Membership on the State Advisory Panel for Special Education FY 10. Authorized the State Superintendent of Schools to approve the new member appointments to the State Advisory Panel (SAP) for Special Education.
 18. FY 10 – Improvement Contract for State-Directed Schools. Authorized the State Superintendent of Schools to approve the template for an Improvement Contract with Local Educational Agencies (LEAs) for state-directed schools.
 19. Personnel Action. Approved the July 9, 2009 personnel actions as recommended by the State Superintendent of Schools.
 20. Case No. 2009-47. M.F. v. Barrow County Board of Education. Sustained the Local Board’s decision.
 21. Case No. 2009-48. E.B. v. Henry County Board of Education. Dismissed this appeal.
 22. Case No. 2009-49. S.H. v. Chattahoochee County Board of Education. Dismissed this appeal.
 23. Case No. 2009-50. A.G. v. Gwinnett County Board of Education. Sustained the Local Board’s decision.
 24. Case No. 2009-51. Susan Heinlen v. Grady County Board of Education. Sustained the Local Board’s decision.
 25. Variance Requests of the Georgia High School Graduation Tests or the Georgia High School Writing Test. Approved the requests for a variance of the identified portions(s) of the Georgia High School Graduation Tests (GHSGT) or the Georgia High School Writing Test (GHSWT) for the following cases:

Mathematics: 09-1198, 09-1306, 09-1307, 09-1354, 09-1356, 09-1365, 09-1366.

Science: 09-1234, 09-1235, 09-1237, 09-1238, 09-1240, 09-1242, 09-1250, 09-1252, 09-1253, 09-1254, 09-1266, 09-1268, 09-1270, 09-1279, 09-1280, 09-1281, 09-1282, 09-1283, 09-1290, 09-1305, 09-1308, 09-1309, 09-1310, 09-1311, 09-1322, 09-1324, 09-1325, 09-1326, 09-1332, 09-1336, 09-1346, 09-1352, 09-1353, 09-1357, 09-1359, 09-1360, 09-1361, 09-1363, 09-1364.

Science and Social Studies: 09-1271, 09-1300, 09-1303, 09-1317, 09-1358, 09-1362.

Social Studies: 09-1251, 09-1258, 09-1259, 09-1267, 09-1269, 09-1277, 09-1289, 09-1299, 09-1301, 09-1302, 09-1304, 09-1323, 09-1331, 09-1345, 09-1355, 09-1370, 09-1371.

Writing: 09-1340, 09-1367.

26. Waiver Requests of the Georgia High School Graduation Tests or the Georgia High School Writing Test. Made the following decisions on the waiver requests of the Georgia High School Graduation Tests (GHS GT) or the Georgia High School Writing Tests (GHS WT) for the students and areas identified below:

Case Number	Recommendation	Type	Area(s) of Request
09-1089	Deny	Hardship	English Language Arts Mathematics Social Studies
09-1090	Deny	Hardship	Science
09-1091	Deny	Disability	Science
09-1092	Deny	Disability	English Language Arts
09-1093	Deny	Disability	Mathematics
09-1094	Deny	Hardship	Science
09-1095	Deny	Disability	Science
09-1096	Deny	Disability	Mathematics
09-1097	Deny	Disability	Writing Science Mathematics
09-1098	Deny	Disability	English Language Arts Writing Mathematics
09-1100	Deny	Disability	English Language Arts
09-1101	Deny	Disability	Social Studies
09-1102	Deny	Hardship	Science
09-1103	Deny	Hardship	Science
09-1104	Deny	Hardship	Science
09-1106	Approve	Disability	Writing
09-1108	Deny	Disability	Writing Mathematics
09-1109	Deny	Hardship/Disability	Science
09-1110	Deny	Disability	Writing Science Mathematics
09-1111	Deny	Disability	Science
09-1112	Deny	Disability	Science Social Studies
09-1113	Deny	Disability	Science Social Studies

Case Number	Recommendation	Type	Area(s) of Request
09-1114	Deny	Disability	English Language Arts
09-1115	Deny	Disability	English Language Arts Social Studies
09-1116	Approve	Hardship/Disability	Writing Social Studies
09-1117	Deny	Disability	English Language Arts Science Social Studies
09-1118	Deny	Disability	English Language Arts Science Social Studies
09-1119	Deny	Disability	Science
09-1120	Deny	Disability	Social Studies
09-1121	Deny	Disability	Mathematics
09-1122	Deny	Hardship	Mathematics
09-1149	Deny	Disability	Science
09-1150	Deny	Disability	English Language Arts
09-1151	Deny	Disability	English Language Arts
09-1152	Deny	Disability	Mathematics Social Studies
09-1160	Deny	Disability	Science
09-1161	Deny	Disability	English Language Arts
09-1163	Deny	Disability	Social Studies
09-1164	Deny	Disability	Science
09-1165	Deny	Disability	Science
09-1166	Deny	Disability	Social Studies
09-1167	Deny	Hardship/Disability	Social Studies
09-1169	Deny	Hardship	English Language Arts
09-1170	Deny	Hardship	Science Social Studies
09-1171	Deny	Hardship	English Language Arts
09-1173	Deny	Disability	English Language Arts Writing Science Social Studies
09-1174	Deny	Disability	English Language Arts Science
09-1175	Deny	Disability	English Language Arts Writing Science Social Studies
09-1176	Deny	Disability	English Language Arts Writing Science Mathematics Social Studies

Case Number	Recommendation	Type	Area(s) of Request
09-1177	Deny	Disability	English Language Arts Science Mathematics
09-1178	Deny	Disability	Mathematics
09-1179	Deny	Disability	Writing Science
09-1180	Deny	Disability	Writing
09-1182	Deny	Disability	English Language Arts
09-1183	Deny	Disability	English Language Arts Science Mathematics Social Studies
09-1189	Deny	Disability	Science
09-1190	Deny	Hardship	Science
09-1191	Deny	Hardship	Science
09-1192	Deny	Hardship	Science Mathematics Social Studies
09-1199	Deny	Disability	English Language Arts
09-1201	Deny	Hardship	Social Studies
09-1202	Deny	Disability	Science Mathematics
09-1203	Deny	Disability	Science
09-1205	Deny	Disability	English Language Arts
09-1206	Deny	Disability	English Language Arts
09-1207	Deny	Disability	English Language Arts
09-1212	Deny	Disability	Science
09-1213	Deny	Hardship	Social Studies
09-1218	Deny	Disability	English Language Arts Mathematics
09-1220	Deny	Hardship	Social Studies
09-1221	Deny	Disability	Mathematics
09-1222	Deny	Hardship	Writing Science
09-1223	Deny	Disability	Mathematics
09-1229	Deny	Disability	Writing Science
09-1230	Deny	Hardship	Science Social Studies
09-1231	Deny	Hardship	Writing Science
09-1232	Deny	Hardship	Mathematics
09-1233	Deny	Hardship	Science
09-1243	Deny	Disability	Science
09-1244	Deny	Disability	Social Studies
09-1245	Approve	Hardship	Mathematics

Case Number	Recommendation	Type	Area(s) of Request
09-1246	Deny	Hardship/Disability	Mathematics
09-1247	Deny	Disability	English Language Arts
09-1248	Deny	Disability	Social Studies
09-1255	Deny	Disability	English Language Arts
09-1256	Deny	Disability	English Language Arts
09-1260	Deny	Disability	Social Studies
09-1261	Deny	Disability	Social Studies
09-1262	Deny	Disability	Social Studies
09-1263	Deny	Disability	English Language Arts
09-1264	Deny	Hardship/Disability	Science
09-1272	Deny	Disability	Mathematics
09-1273	Deny	Disability	Science Mathematics Social Studies
09-1274	Deny	Disability	English Language Arts
09-1275	Deny	Hardship	Science Social Studies
09-1284	Deny	Hardship	Science Social Studies English Language Arts Writing Mathematics
09-1291	Deny	Hardship	Social Studies
09-1294	Approve	Hardship	Science
09-1295	Deny	Disability	Social Studies
09-1296	Deny	Disability	Science Writing
09-1297	Deny	Disability	Social Studies
09-1312	Deny	Disability	Social Studies
09-1313	Deny	Disability	Mathematics
09-1314	Deny	Hardship/Disability	Science Social Studies Mathematics
09-1315	Deny	Disability	Mathematics
09-1316	Deny	Hardship	Science
09-1320	Deny	Disability	Science
09-1321	Approve	Hardship	Science
09-1327	Approve	Hardship	Social Studies
09-1329	Deny	Hardship	Science Social Studies
09-1335	Deny	Disability	Social Studies Mathematics
09-1337	Deny	Disability	Social Studies English Language Arts
09-1343	Deny	Disability	Science Social Studies English Language Arts Writing Mathematics

Case Number	Recommendation	Type	Area(s) of Request
09-1344	Approve	Hardship	Science
09-1348	Deny	Disability	Science
09-1349	Deny	Hardship	Science
09-1368	Approve	Hardship	Science
09-1369	Deny	Hardship/Disability	English Language Arts Writing

27. Waiver Reconsideration Requests of the Georgia High School Graduation Tests (GHS GT) or the Georgia High School Writing Tests (GHS WT). Made the following decisions on the waiver requests of the Georgia High School Graduation Tests (GHS GT) or the Georgia High School Writing Tests (GHS WT) for the students and areas identified below:

Case #	Area(s) of Request	Date of Original Denial Decision	Current Recommendation
09-1107	Science	5/8/2008	Deny

28. Minutes – June State Board Meeting. Approved the minutes of the June 11, 2009 State Board Meeting.
29. Minutes – June Called Board Meeting. Approved the minutes of the June 24, 2009 Called State Board Meeting.

EXECUTIVE SESSION ACTIONS

1. Waiver Request – Case 09-1105 – Georgia High School Graduation Test. By motion of Mr. Bryant, seconded by Mr. Hodge, a unanimous affirmative vote was given to approve for a waiver of the English Language Arts portion of the Georgia High School Graduation Test for the student identified as Case 09-1105.

BUDGET COMMITTEE ITEMS

1. Title I, Part A Odyssey/Georgia Virtual Academy Allocation. By motion of Mr. Winter, seconded by Mr. Bryant, a unanimous affirmative vote was given to authorize the State Superintendent of Schools to amend the approved FY09 Title I, Part A and Title I, Part D LEA allocation item to now include a grant award to Odyssey/Georgia Virtual Academy at a cost not to exceed \$572,553.00 in Federal funds for Title I, Part A.

POLICY/RULES COMMITTEE ITEMS

1. Rule 160-5-1-.01 School Year (Amendment/Initiation). By motion of Mr. Hodge, seconded by Mr. Burdette, a unanimous affirmative vote was given to authorize the State

Superintendent of Schools to initiate the rulemaking process in accordance with the Georgia Administrative Procedure Act so as to amend SBOE Rule 160-5-1-.01 SCHOOL YEAR.

2. Rule 160-5-1-.02 School Day for Students (Amendment/Initiation). By motion of Mr. Bryant, seconded by Mr. Hodge, a unanimous affirmative vote was given to authorize the State Superintendent of Schools to initiate the rulemaking process in accordance with the Georgia Administrative Procedure Act so as to amend SBOE Rule 160-5-2-.02 SCHOOL DAY FOR STUDENTS.
3. Rule 160-4-2-.16 Scheduling for Instruction (Repeal/Initiation). By motion of Mrs. Zechmann, seconded by Mr. Hodge, a unanimous affirmative vote was given to authorize the State Superintendent of Schools to initiate the rulemaking process in accordance with the Georgia Administrative Procedure Act so as to repeal SBOE Rule 160-4-2-.16 SCHEDULING FOR INSTRUCTION.
4. Rule 160-5-1-.34 Georgia Special Needs Scholarship Program (Initiation). By motion of Mr. Bryant, seconded by Mr. Winter, a unanimous affirmative vote was given to authorize the State Superintendent of Schools to initiate the rulemaking process in accordance with the Georgia Administrative Procedure Act so as to provide for the adoption of SBOE Rule 160-5-1-.34 GEORGIA SPECIAL NEEDS SCHOLARSHIP PROGRAM.
5. Rule 160-5-2-.05 Experience for Salary Purposes (Amendment/Initiation). By motion of Mr. Hodge, seconded by Dr. Murray, a unanimous affirmative vote was given to authorize the State Superintendent of Schools to initiate the rulemaking process in accordance with the Georgia Administrative Procedure Act so as to amend SBOE Rule 160-5-2-.05 EXPERIENCE FOR SALARY PURPOSES.
6. Rule 160-4-2-.09 Governor's Honors Program (Amendment/Initiation). By motion of Mr. Bryant, seconded by Mr. Burdette, a unanimous affirmative vote was given to authorize the State Superintendent of Schools to initiate the rulemaking process in accordance with the Georgia Administrative Procedure Act so as to amend SBOE Rule 160-4-2-.09 GOVERNOR'S HONORS PROGRAM.

SUPERINTENDENT'S REPORT

1. SBOE July Budget Presentation. Deputy Superintendent Scott Austensen gave a budget presentation on the Department of Education's FY 2009 and FY 2010 budget. He stated there continues to be a hiring freeze, 20 positions have been eliminated and the vacancy rate currently stands at 19% state funded positions. *(This presentation can be found on E-Board, July 9, 2009 State Board meeting, under Presentations and Reports.)*

Adjournment

At 11:30 a.m., by motion of Mr. Perez, seconded by Mr. Bryant, a unanimous affirmative vote was given to adjourn the State Board meeting.

Next Scheduled Meeting of the State Board

The next State Board Meeting is scheduled for August 13, 2009.

Lynn Roberts, Recorder