



COMMONWEALTH OF VIRGINIA  
*Virginia Board for People with Disabilities*

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*Executive Director*

*Washington Building, Capitol Square  
1100 Bank Street, 7th Floor  
Richmond, Virginia 23219*

804-786-0016 (TTY/Voice)  
1-800-846-4464 (TTY/ Voice)  
804-786-1118 (Fax)  
info@vbpd.virginia.gov  
www.vaboard.org

September 21, 2012

Mr. David Foster  
President  
Virginia Board of Education  
P.O. Box 2120  
Richmond, VA 23218-2120

Dear Mr. Foster:

I am writing on behalf of the Virginia Board for People with Disabilities (VBPD or "the Board") regarding the achievable measurable targets that have recently been established under the Elementary and Secondary Education Act (ESEA) flexibility waiver granted by the U.S. Department of Education.

VBPD is the Commonwealth's federally funded Developmental Disabilities (DD) Council, addressing the needs of people with developmental disabilities as established under the federal "Developmental Disabilities Assistance and Bill of Rights Act" and the state "Virginians with Disabilities Act." The Board advises the Secretary of Health and Human Resources, the Governor, and other policymakers on issues related to people with developmental and other disabilities in Virginia. The Department of Education is a member of the Board and we have long enjoyed a mutually positive and productive relationship, working together to improve education and transition outcomes for students with disabilities.

VBPD has been a long standing participant in the Virginia Coalition for Students with Disabilities and joined with the Coalition in February 2012 to submit comments and recommendations regarding Virginia's ESEA waiver application. We were gratified to see that a number of suggestions were accepted with respect to subgroup accountability.

The Board is aware of the concerns that have been expressed by families and numerous advocacy groups regarding the targets that were set for achievable measurable objectives (AMOs) for several subgroups (black and Hispanic students and students with disabilities). It is our understanding that the methodology for setting the AMOs was set prior to the results of tests under the more rigorous math Standards of Learning were obtained. We also understand that based on the widespread concern expressed in the community and at the request of the U.S. Department of Education, VDOE staff will be presenting an alternate methodology at the September 27 Board meeting that will ensure that the

achievement gaps of subgroups will be addressed and that all students will be expected to achieve at a high level.

It is clear that the performance of students with disabilities on the mathematics AMO for the lowest performing skills was dismally low, the lowest of all of the subgroups. Therefore we understand why the initial targets, were upsetting to parents and advocates. VBPD supports the Superintendent of Public Instruction's recommendation to adopt Option C, the alternate methodology for accountability years 2013-2014 through 2017-2018 that is based on the more rigorous assessments. We agree with the process for using the actual current scores as a starting point with accelerating rates of achievement calculated to result in a minimum 73 percent pass rate in the lowest performing schools. We also support differentiated AMOs in the intervening years as based on each subgroup's starting point as long as the Department ensures that these low performing schools are held accountable to the interim and final targets. Doing so will require the commitment of significant resources, but in the end, reducing the huge proficiency gaps by setting exacting targets and expecting results is an investment in the future of the Commonwealth.

VBPD appreciates the commitment by the Board of Education to public service and to educational excellence. We would be happy to serve in any capacity that would be helpful as these discussions and decisions take place. Thank you for considering our Board's recommendations and for listening to the concerns of the families and advocates supporting students.

Please feel free to contact me if you have any questions about our comments. I am available by phone at (804) 786-9369 or by email at [Heidi.lawyer@vbpd.virginia.gov](mailto:Heidi.lawyer@vbpd.virginia.gov).

Sincerely,



Heidi L. Lawyer

Cc: John Kelly, Board Chair  
Dennis Manning, Chair,  
Education and Employment Committee