



# COMMONWEALTH of VIRGINIA

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President

**BOARD OF EDUCATION**  
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May 29, 2009

The Honorable Timothy M. Kaine  
Governor of Virginia  
Patrick Henry Building, 3<sup>rd</sup> Floor  
1111 East Broad Street  
Richmond, Virginia 23219

Members of the General Assembly  
General Assembly Building  
Capitol Square  
Richmond, Virginia 23219

Dear Governor Kaine and Members of the General Assembly:

This correspondence is in response to Senate Bill 490 and House Bill 1425, which were approved by the 2008 General Assembly. These identical bills state the following:

*§ 1. Unless reauthorization of the Elementary and Secondary Education Act (ESEA) provides the necessary revisions in the No Child Left Behind (NCLB) Act that allow Virginia's existing educational accountability system, as set forth in the Standards of Quality, Standards of Learning, and Standards of Accreditation, to substantially meet the accountability requirements of the federal law, the Board of Education shall make a recommendation to the General Assembly on whether Virginia should withdraw from NCLB. Should the Board recommend withdrawing from participation in NCLB, the Board shall develop a plan for withdrawal and shall submit such plan to the Governor and the General Assembly for their consideration by June 30, 2009.*

Since these pieces of legislation were enacted in 2008, two developments have taken place that impact the Board's actions related to these Bills. First, the Elementary

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and Secondary Education Act (ESEA), known as NCLB, has not been reauthorized as scheduled and at this point in time, there has been no indication as to when Congress will address reauthorization. U.S. Secretary of Education, Arne Duncan, is meeting with various stakeholder groups around the nation seeking input on ESEA reauthorization. Secondly, in February 2009, the *American Recovery and Reinvestment Act of 2009* (ARRA) was signed into law. The ARRA not only provides additional funding related to K-12 education but also includes a number of education initiatives intended to assist states with maximizing resources and improving student performance. Virginia has completed its initial application for ARRA fiscal stabilization funds related to public education and is beginning to receive some of the funding related to this Act.

Without a definitive timeline for the reauthorization of NCLB and because the implementation of the ARRA is in the early stages, the Board is unable to make a recommendation regarding withdrawal from NCLB. In the absence of the reauthorization, the Board and the Department of Education are working closely with the Governor's office to administer the substantial ARRA funding that has been made available to support education. Virginia is also positioning itself to apply for other competitive grants made available through ARRA.

In regard to one of these competitive grants, Virginia anticipates applying for a grant under the U.S. Secretary of Education's "Race to the Top" program. Through the "Race to the Top" funds, an estimated \$4.35 billion will be made available in competitive grants to states making progress toward assurances stipulated under ARRA. These assurances have been designed to advance the educational reforms of the current administration and may form the basis for reauthorization of ESEA. The assurances include: 1) making progress toward college-and career-ready standards and rigorous assessments that will improve both teaching and learning; 2) gathering information to improve student learning, teacher performance, and college-and career-readiness through enhanced data systems that track progress; 3) making improvements in teacher effectiveness and ensuring equitable distribution of effective teachers; and 4) improving achievement in low-performing schools, by providing intensive support and effective interventions in schools that need them the most. Virginia is well positioned to meet the required assurances. Additionally, discussions are under way to partner with Maryland and the District of Columbia if co-applicants are encouraged for the grant.

Another competitive grant of interest to the Board is referred to as the "Teacher Incentive Funds." Through the Teacher Incentive Funds, an estimated \$200 million will be available for 15 state applicants that propose performance-based teacher and principal compensation systems that lead to an increase in student achievement in high-need schools.

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At this time, it is to Virginia's advantage to remain engaged with the new administration and USED in order to have access to funding opportunities that will strengthen key aspects of Virginia's educational reform. Additionally, USED staff have expressed interest in receiving feedback from states regarding both the ARRA and current NCLB Act, and we will take advantage of this opportunity.

If you have questions or require additional information, please contact Dr. Patricia I. Wright, superintendent of public instruction, at: [Patricia.Wright@doe.virginia.gov](mailto:Patricia.Wright@doe.virginia.gov) or (804) 225-2023.

Sincerely,



Mark E. Emblidge, Ph.D.  
President, Virginia Board of Education

MEE/rs

c: The Honorable Emmett W. Hanger, Jr.  
Senate of Virginia

The Honorable R. Steven Landes  
Virginia House of Delegates

Patricia I. Wright, Ed.D.  
Superintendent of Public Instruction