

Request for Waivers Related to the Standards of Learning Assessments and Testing Schedules Responses to the Questions Posed by the Virginia Board of Education

We, the superintendents of five divisions (Albemarle County, Fairfax City, Henrico County, Roanoke County and Virginia Beach), wish to explore the option of a waiver for early SOL testing and retesting in the middle schools. We believe in accountability, but we seek an alternative to the current process. We believe high achieving students spend too much time focused on a single high stakes test. Students, parents and teachers are frustrated by the test-driven approach to education that stifles learning. As Rob Krupicka said in a recent blog, “We need more opportunities for students to learn and advance in a way that recognizes their full potential rather than at a pace solely dictated by the chapters in a textbook or the number of days and hours in a school year.” We believe such an opportunity is accomplished through multiple testing. Once students master SOL skills, then they can reach that potential and explore other topics in depth. Differentiated learning is the right of every student in Virginia.

Therefore, we respectfully request that you hear our voices and consider our request so that students can receive the differentiated instruction that they deserve. Below are the responses to the questions we received about this proposal.

1. Is the waiver request for every middle school in the five divisions, or for selected middle schools? If it is for selected middle schools, which schools would be selected? On what basis would the schools be selected?

Response: The waiver request is for all middle schools in our five divisions. Teachers and principals would select students deemed sufficiently prepared to take the Reading or Math SOL prior to the testing window.

2. For every school for which a waiver is requested, please provide the accreditation and AYP status, and the pass rates for reading and mathematics for every grade and every subgroup.

Response: See appendix 1 for accreditation and AYP Status. See appendix 2 for pass rates.

3. What is the pass rate for expedited retakes in each of your high schools, by course and by subgroup? Although the provisions for expedited retakes at the high school level are different from what you propose in the waiver request, this information will give the Board members a general idea of how successful retakes might be at the middle school level.

Response: See appendix 3.

4. Would all students be eligible to take the SOL tests early, or just selected students? If the latter, on what basis would the students be identified and selected to participate in the waiver?

Response: All students would be eligible, but only those deemed sufficiently prepared would be allowed to take the SOL in any given testing window.

5. Have you had an opportunity to discuss this proposal with parents in your community? With teachers? How have they responded to the proposed waiver?

Response: We are in process of gaining feedback from all stakeholder groups. Currently, all middle school principals have indicated support, and the five school boards are supportive. Such information will be available at the time of the State Board's September meeting.

6. Will you require parental permission for students to participate in the waiver? If the parent doesn't give permission to test early, and wants the student to be instructed in the full year's content before testing, will the student be able to participate in the enriched curriculum?

Response: Parent permission will not be required.

7. If Standards of Learning tests in reading and mathematics will be given before the end of the school year, will teachers have enough time to cover the course or grade-level content before the tests are administered?

Response: The content of the particular SOL will have been covered prior to administering the SOL.

8. How will this proposal improve student achievement, particularly within special education and English language learner (ELL) subgroups?

Response: Students in all sub-groups will be given more than one opportunity to demonstrate SOL content mastery. This allows students to learn from previous attempts, take ownership of their learning and strive for mastery. In addition, teachers will be able to target areas of weakness for special education students and ELL groups. We have found at the high school level that when students needing additional assistance are given that added instruction, the pass rates for End of Course SOLs average about 80%.

9. How would the instruction be differentiated in a class where some students pass the test early in the year, and others fail? Do students who fail the test have an opportunity to participate in the enriched curriculum?

Response: Differentiation is a philosophy of teaching and learning that is built upon the premise that students differ in readiness, interests, and learning profile and that schools and classrooms should be designed to attend to the needs of all students to ensure both a mastery of basic curriculum, and ensure maximum growth and individual success. The question is based upon the assumption that differentiated instruction designed for students in need of remediation is not enriching. The basis for all differentiated instruction, for both high achieving and low achieving students, is high quality curriculum which is conceptually based, rigorous, and relevant. The best curriculum and instruction designs infuse 21st century skills to develop deep understanding and elicit higher order thinking from students as they apply these advanced skills in rich content. Given the needs of students and workers in this century and beyond, we believe rigor and relevance should be a primary organizer in curriculum, instruction, and assessment. This concept must be a fundamental element in the educational programs across the Commonwealth of Virginia.

The foundation of high quality 21st century curriculum and instruction is the basic competency standards outlined in the Virginia Standards of Learning (SOLs). The often eluded message is these standards are foundational levels of knowledge, understanding, and skills and that Virginians expect more of their students, teachers, and schools. However, these are basic competency standards. Too often in districts across the Commonwealth, the standards and test success become the goal rather than the means to advanced performance. Many times, schools and school

divisions organize teaching and learning according to a textbook and state test with little regard for high expectations, advanced content and skills, and the rigors of rich content.

While the SOLs outline complex essential skills and knowledge which students should acquire at each grade-level, the assessments measure only minimum competency. Often, an item does not assess the specific standard, rather it measures skills subsumed within a more complex standard. As a result, considerable opportunity exists to delve deeper into content while continuing to focus on the adopted standards.

Given the plan outlined in the request to administer the SOL tests earlier in the school year, the most significant difference between pre- and post-test instruction is apparent as students engage in more complex tasks that require skill transfer. For example, third grade students may identify an author's purpose in various texts during the first semester; however, by the second semester students are transferring mastery of this skill to their own writing. Working in an integrated manner, third-grade students may compose an informative report based on a social studies topic. Likewise, eleventh-grade students analyze historical essays representing the American revolutionary period; however, by the second semester, students are transferring knowledge and skills acquired through the first semester as they construct persuasive arguments around a controversial issue. To complete this task, they must use knowledge of the author's purpose and style to combine information gathered from nonfiction sources in order to build a compelling defense of their argument.

So, what does curriculum and instruction look like for students once they have demonstrated their mastery of the standards? The goal is to build depth and complexity into the standards at the heart of the discipline and provide students with opportunities to transfer knowledge, understanding, and skills in relevant and authentic situations. It is here that we move from minimal competency to advanced performance. These are the levels of performance that most directly align with 21st century skills. Curriculum and instruction at these advanced levels of performance are differentiated through a variety of models and strategies that facilitate student-centered approaches, inquiry-based learning, research models, performance-based measures, and meaningful collaboration. These models and strategies require complex tasks, conceptual understanding, and real world products for authentic audiences. It is important to understand that differentiated instruction designed to deepen student knowledge is not a reward for passing state tests, but rather the goal of public education. It also scaffolds learning of standards for which students have not demonstrated mastery through the state assessment.

What do students who have not mastered the standards do as their peers who have mastered the standards move into these rich experiences? They participate in the same rich curriculum and instruction, but with scaffolds to reinforce standards that need to be mastered and help them access the complex experiences. Through a clear model for differentiation that attends to student readiness, all students are challenged and supported in their quest for individual growth and maximum success. Thus, every student has access to rich curriculum and instruction even if they have not yet demonstrated mastery of all standards as measured by state tests while deepening the understanding of those that they have. In fact, differentiation for struggling learners within complex instruction moves them closer to mastery and closes performance gaps. It is a "teaching-up" approach verses one of remediation and re-teaching.

In summary, students who engage in authentic, relevant work return to the standards again and again as they develop deeper understanding about the relevancy and authenticity of content within the real world. Well designed, high quality curriculum and instruction provides opportunity for all

students to get the support they need to acquire mastery of minimum competencies while expanding their thinking and learning around those for which mastery has been demonstrated.

10. How will implementation of the proposed waiver reduce testing?

Response: Currently, each division administers their own, locally developed tests to determine student preparation levels. This would allow the use of the official SOL test to be used in lieu of local “SOL like” assessments. Students successful on the first administration would not be part of subsequent administrations, thereby reducing the number of higher stakes tests. This request will also reduce the focus on testing and allow for the creation and use of innovative, performance based assessments that are integrated across subject areas.

11. How do you propose the Board justify waiving 8 VAC 20-131-30, subsection B of the SOA that says “No student shall take more than one test in any content area in each year.....Students shall not be required to retake the Virginia assessment program tests unless they are retained in grade and have not previously passed the related tests” when 8 VAC 20-131-350 of the SOA says, “In no event shall waivers be granted to the requirements of Part III (8VAC 20-131-30 et seq.) of these regulations.”

Response: To change the paradigm of allowing students to seek to demonstrate mastery of content – our ultimate educational goal – we must allow students multiple access points to demonstrate that mastery.

12. How will student attitudes be improved for those students who retake the test one of more times and experience multiple failures?

Response: The real goal is demonstrating mastery. At the high school level, we have found the option to re-take a test to demonstrate that mastery to be a significant motivator, and not a detractor at all. Currently, all middle and elementary students engage in lengthy SOL preparation activities in anticipation of being successful with the one test opportunity. Students receiving a “failure” score are then left wondering why they failed; wondering what they could have done differently and being identified as a failure without any chance to improve. This is neither a sound instructional, nor motivational practice.

13. There is a fiscal impact and additional administrative burdens associated with additional SOL testing. What programs or services would your school board be willing to reduce or eliminate in order to fund the implementation of this waiver?

Response: We do not believe there will be a local fiscal impact as all schools are prepared for on-line SOL testing. In fact, by spacing out the SOL testing, there will be more even demand on computers and on server band-width. If there is a fiscal impact at the state level, all five divisions are prepared to obtain necessary additional funding to support the state.

14. What is the role of local assessments in diagnosing student weaknesses? The SOL tests aren't designed to be diagnostic.

Response: Over the past several years, each division has become much more sophisticated in creating and using local assessments to help inform instruction and learning. Local assessments will continue to be used for these diagnostic purposes, including student readiness for the official SOL test. Once local jurisdictions believe a student is sufficiently prepared, the student should be given the opportunity to demonstrate mastery by taking the SOL test.

15. Why can't your goal be accomplished without multiple testing?

Response: Our goal is mastery learning, and frequent assessment is part of that. Earlier testing will allow students and teachers the opportunity to identify areas of deficiency and provide appropriate remediation at the individual student level. By changing the accountability paradigm, students become more responsible for their own learning and educational attainment. Testing only at the end of the school year is like training students for a contest – some will win (pass); others will lose (fail). It's a one-shot deal. Use of multiple testing opportunities supports continuous learning where students and teachers learn from their mistakes, make corrections, and eventually master the content.

16. Was thought given to seeking a waiver from annual accreditation under 8 VAC 20-131-325^[1] which permits high performing schools with pass rates of 95% across all subjects to be fully accredited status for up to three years? This would provide an opportunity to gauge the impact of cutting back on pre-SOL preparation and testing without risking the accreditation ratings of the selected schools.

Response: Accreditation waivers do not create the paradigm of students demonstrating mastery of content. We believe that is the most significant and important improvement for VA to lead into a new era of accountability.

17. One of the Board members asked, following the Accountability Committee meeting, that you cite reasons why your school divisions are not able to use the tools available to you (including the waiver provision noted in the above bullet) to proceed with what you want to accomplish without having to have permission from the Board. The Board would like to know if you have thoroughly considered any and all avenues currently available to you before coming to the Board.

Response: If the Board believes we have sufficient latitude currently to allow students to have multiple opportunities to demonstrate content mastery, then we can proceed as we have requested. If that is the case, we still believe the State Board should be aware of our changes in practice.

18. Finally, please bear in mind that Virginia is not approved by the U. S. Department of Education to count SOL retests at the elementary and middle school grades in AYP calculations. The Board of Education doesn't have the authority to waive this federal requirement. The Board of Education was approved several years ago to count expedited retakes of end-of-course SOL tests, but not grade-level tests. We hear about regulatory relief from NCLB, but we don't yet know what that would entail or what the possibility would be that USED would look favorably on such a waiver, should the Board of Education make that request.

Response: We recognize that Virginia would need to seek regulatory relief from the US Department of Education and we are prepared to help Virginia do so in any way deemed appropriate. We too have heard of "regulatory relief from NCLB" and will work to seek such relief. Our own research identified the following 3 states have retesting procedures for elementary and/or middle school students:

Georgia – Georgia allows high school students to retest during the same school year and includes the best result on the Georgia High School Graduation Test (GHSGT) in its annual AYP determinations. Starting with AYP determinations in the 2008-2009 school year (based on 2007-2008 assessment data) Georgia annually incorporates Georgia's Criterion-Referenced Competency Tests (CRCT) retest scores for grades 3, 5, & 8 from state assessments into AYP determinations

and students' best scores are used for final AYP determinations. However, students are re-tested in the summer. http://public.doe.k12.ga.us/pea_communications.aspx?ViewMode=1&obj=1662

North Carolina – Beginning in 2009-10, students who did not pass end-of-course tests were retested and their retest results were included in the ABCs performance composites and in federal AYP calculations. Beginning in 2008-2009, the retest results for mathematics, reading and science of students in grades 3 – 8 were included in the state's growth calculations.

<http://www.dpi.state.nc.us/newsroom/news/2009-10/20090806-02>

Texas – When a student takes a retest, the student's best score will be used in the Texas Projection Measure (TPM). Beginning in 2009, the TPM was used for AYP calculations. Students in grades 5 and 8 must be retested for reading and mathematics with the Texas Assessment of Knowledge and Skills (TAKS) to be promoted to the next grade level. The first administration is in March; the first retest window is in April; and the second retest window is in July.

<http://www.tea.state.tx.us/index4.aspx?id=4260>

19. During our first session with the State Board, there was another question asked about what we intend to teach that is beyond the SOLs. Here is a description of the type of instruction

High quality instruction that infuses 21st Century Skills and elicits deep thinking from students must be a fundamental part of the educational program in the Commonwealth of Virginia. To accomplish this goal, school divisions use the Virginia Standards of Learning as the foundation for curriculum and instruction that moves students beyond minimal competency toward authentic application and integration of skills across content areas.

As noted on the Virginia Department of Education website, “the Standards of Learning (SOL) describe the commonwealth's expectations for student learning and achievement in grades K-12 in English, mathematics, science, history/social science, technology, the fine arts, foreign language, health and physical education, and driver education.” Ideally, Virginia localities build curriculum beginning with the common Standards of Learning (SOL), a framework to be viewed as the foundation, not the ceiling of student learning.

While the Standards of Learning outline complex essential skills and knowledge which students should acquire at each grade-level, the assessments measure only minimum competency. Often, an assessment item does not assess the specific standard, rather it measures skills subsumed within a more complex standard. An example of this distinction can be found in English/language arts. The following SOL objectives and selected test items represent skills and knowledge related to an author's purpose and style.

- Identify the author's purpose. (SOL 3.6a)
- Describe how use of context and language structures conveys an author's intent and viewpoint in contemporary and historical essays, speeches, and critical reviews. (SOL 11.3d)

Released 2010 Grade 3 SOL Reading	Released 2010 Grade 11 SOL Reading
<p>One reason to read this flier is to —</p> <p>A understand directions to the zoo B discover a new fact about animals C find out what animals are at the zoo D learn what is needed for the field trip</p>	<p>The main purpose of this document is to —</p> <p>F amuse G persuade H inform J analyze</p>

Although there is a clear difference between the two objectives, the students' ability to master the eleventh-grade objective, one that is complex and requires higher-order thinking, relies upon mastery of the third-grade objective. However, this is not true of the assessment item, clearly indicating that a strong distinction exists between the complex level of the standards compared to the SOL assessment.

As the result of vertical articulation across the Standards of Learning for a given content area, the local curriculum exposes students to the common skills and knowledge over time; thus enabling them to master these objectives and the commensurate essential skills and knowledge in increasingly sophisticated texts with greater autonomy over time. For example, a third-grade student identifies an author's purpose in a news article published for elementary children; while, the eleventh-grade student analyzes how the effectiveness of a persuasive argument emerges from a writer's use of context and language structures.

Further distinction between the standards and the assessments emerges when considering how students engage in more complex tasks that require skill transfer. For example, third grade students may identify an author's purpose in various texts during the first semester; however, by the second semester students are transferring mastery of this skill to their own writing. Working in an integrated manner, third-grade students may compose an informative report based on a social studies topic. Likewise, eleventh-grade students analyze historical essays representing the American revolutionary period; however, by the second semester, students are transferring knowledge and skills acquired through the first semester as they construct persuasive arguments around a controversial issue. To complete this task they must use knowledge of the author's purpose and style to combine information gathered from nonfiction sources in order to build a compelling defense of their argument.

An additional example highlighting how complex transfer of skills and knowledge can be accomplished is through the development of an integrated STEM (Science- Technology- Engineering- Math) program that has students working in an interdisciplinary manner to apply content-specific skills through problem-based learning experiences. As identified in the following chart, students return to previously acquired knowledge and skills at greater depth within each course and as a result of engaging in a higher-order task.

Content Area	Content Skills	21 st Century Skills
Math	<ul style="list-style-type: none"> • surface area 	

	<ul style="list-style-type: none"> • volume • rate of change 	Critical Thinking Problem-Solving Information Literacy
Science	<ul style="list-style-type: none"> • states of matter • physical changes • chemical changes 	
English	<ul style="list-style-type: none"> • persuasive writing • tone • viewpoint • research 	
Social Studies	<ul style="list-style-type: none"> • types of regulatory agencies • the role of regulatory agencies 	

The following scenario illustrates students' need to utilize skills from multiple areas to solve a hypothetical problem in a realistic context. As illustrated in the sample problem, an integrated STEM approach is one way students might be required to show their understanding of higher-order skills and concepts, moving beyond the minimum competencies measured by the Standards of Learning end-of-course tests to the transfer and application of those skills in authentic contexts. Once students have mastered a basic understanding of the skills and concepts themselves, opportunities to transfer that understanding to new, authentic situations and make naturally occurring connections across disciplines are necessary to foster deeper-level understanding.

Integrated STEM Example: The Oil Spill

Problem:

An oil tanker is anchored in the Hampton Roads Harbor. In a recent storm, the anchor broke loose and the tanker ran aground causing a tear in the hull which has resulted in a significant oil spill in the harbor. The executive board of the Environmental Protection Agency (EPA) is in the process of taking bids for the containment and clean-up process.

You are a contractor for an environmental engineering firm. You will be responsible for preparing a bid consisting of a two-tiered plan to contain the oil and remove it in order to reduce the environmental impact of the spill. The bid should also include a comprehensive list of all necessary materials, a timeframe for the job, and a complete budget.

To solve this problem, you will incorporate the content you have learned in your science, Civics, math, and English classes. A successful result will demonstrate your ability to think critically, problem- solve, and present accurate information in a logical, organized manner.

The following must be included in your process and/or product:

- **Conduct research about the role of local, state, and federal government agencies in similar situations, along with possible environmental, social, and personal impact of the spill.**
- **Create a recommendation to contain the oil and conduct a cleanup to reduce the environmental impact of the spill.**
- **Your recommendation will include a prototype of an oil containment system, including the surface area, and a cost analysis of the system.**
- **Given the amount of oil the tanker holds (42 gallons in a barrel each of which holds 260,000 gallons) and the coverage thus far (60 miles in a 48 hour span), your plan should also predict the amount of time it will take the oil to completely drain from the tanker. The oil is leaking from the tanker at a rate of 1.8 million gallons/hour.**
- **After five hours the oil had spread across the water in a semi-circular path with a 400 mile diameter and across land in a semi-circular path with a diameter of 180 miles. It continues to travel at a constant rate across both land and water. Predict how much land and water will be covered by the time the oil is contained.**

A problem-based learning opportunity that is rich and complex, such as the STEM example, provides the teachers with opportunities to formatively assess the students' mastery of content-area standards while facilitating the students' development of more complex, critical thinking and problem solving skills. As teams of teachers collaborate to develop assessment rubrics that clearly define expectations, and score student work, the focus of the conversation centers around the students' ability to transfer the expectations established by the SOL framework. Students use the rubric to provide feedback to one another prior to any formal assessment of their efforts. Furthermore, outside experts who serve on the review panel, are able to guide students in the development of more complex, transdisciplinary skills, such as using support gathered through experimental design to analyze alternative solutions through oral and written critiques that follow a presentation of their solution to the issue provided.

In summary, in order to scaffold students to be 21st century learners and citizens, the Standards of Learning are embedded into local curriculum through instructional units and tasks which require transfer, not recall, of learning. Students who engage in authentic, relevant work return to the standards again and again as they develop deeper understanding about the relevancy and authenticity of content within the real world. A high-quality standard, such as those outlined in the SOL frameworks, does not begin and end with the SOL assessment, rather it is the foundation that provides a platform for students to expand their thinking and learning.