

Virginia Department of Education

Renewal of Virginia's Application for Waivers from Certain Requirements of the *Elementary and Secondary Education Act of 1965* (ESEA), also known as ESEA Flexibility or NCLB Waiver

Executive Summary of Proposed Updates and Revisions October 23, 2013

Background

In September 2011, the U.S. Department of Education (USED) offered states flexibility regarding specific requirements of the *Elementary and Secondary Education Act of 1965* (ESEA), as amended by the *No Child Left Behind Act of 2001* (NCLB), in exchange for rigorous and comprehensive state-developed plans designed to improve educational outcomes for all students, close achievement gaps, increase equity, and improve the quality of instruction (ESEA flexibility). To be granted flexibility from ESEA requirements, states had to submit applications requesting waivers and outlining the state-developed plans to accomplish the goals above by implementing reforms aligned with the following principles:

- Principle 1 – College- and career-ready standards and high-quality assessments to ensure that every student graduates from high school college and career ready;
- Principle 2 – Targeted and differentiated accountability systems, rigorous supports and interventions to the lowest-performing schools and schools with the lowest graduation rates, and identification of support to low-achieving students based on need; and
- Principle 3 – Teacher and principal evaluation and support systems that provide teachers and principals with the feedback and support needed to improve practice and increase student achievement.

Virginia submitted its waiver request to USED in February 2012, or “Window 2” of the submission process. After numerous amendments, the [final revised ESEA flexibility application](#) was approved in March 2013. The terms of the waiver are effective for two years, through the end of the 2013-2014 school year.

Waiver Renewal Process

In August 2013, USED invited “Window 1” and “Window 2” states to request a two-year renewal of ESEA flexibility through the end of the 2015-2016 school year. The purpose of the renewal is to confirm that a state is meeting its commitments in accordance with the principles and timelines of ESEA flexibility. A state seeking renewal of ESEA flexibility must: 1) submit an updated ESEA flexibility application describing how it will continue to meet the principles and improve its implementation of the state plan; and 2) demonstrate that the waivers have contributed to improved student achievement and that their extension is in the public's best interest. Changes and additions to the ESEA flexibility application must respond to questions in the USED [ESEA Flexibility Renewal Request Form](#). A summary of proposed updates and revisions to Virginia's ESEA flexibility application, in response to the questions in the renewal request form, is provided below.

Principle 1 – College- and Career-Ready Standards and High-Quality Assessments

Implementation of College- and Career-Ready Standards

Virginia has fully implemented its college- and career-ready Standards of Learning and assessments in reading and mathematics as described in its waiver request. Unlike states that have adopted the Common Core State Standards (CCSS) to totally replace their prior standards, Virginia's college- and career-ready Standards of Learning are an extension of earlier Standards of Learning that have been enhanced to ensure students are prepared for successful entry into postsecondary education and the workplace. While the Virginia Department of Education (VDOE), schools, and school divisions have had to realign instructional resources and assessments to support and meet the increased rigor of the new college- and career-ready standards, this approach to strengthening standards and assessments created the least amount of disruption for teachers and students.

The *Code of Virginia* requires local school boards and division superintendents to comply with certain quality standards for K-12 education. These statutory Standards of Quality are recommended by the Virginia Board of Education and approved by the General Assembly. Included in the Standards of Quality is a requirement that local school boards align local curricula with the Standards of Learning and certify annually they are in compliance with the standards. School division superintendents must submit [an annual Standards of Quality report](#) to the Department of Education and Board of Education that verifies the divisions' compliance with requirements under the Standards of Quality. The Virginia Board of Education submits to the Governor and General Assembly an annual report that identifies areas of noncompliance by school division.

The Department of Education monitors implementation of the Standards of Learning primarily through analysis of Standards of Learning assessment results. Any failure of or intentional delay in standards implementation would be immediately evident in assessment results as the Standards of Learning assessments administered in 2013 reflect fully the content of the revised college- and career-ready standards. As anticipated, the implementation of new and more rigorous assessments in 2012 and 2013 resulted in significant declines in passing rates and proficiency levels in mathematics and reading. These results indicate that school divisions need to continue curriculum alignment efforts and teachers will need continued assistance in improving their content knowledge and pedagogical skills to increase the rigor within their own classrooms. These data analysis results provide the basis for extensive professional development and instructional resources and materials provided by the Division of Instruction and the Division of Special Education and Student Services, and the technical assistance provided by the Office of School Improvement.

Among the most notable VDOE efforts to respond to the needs of the field in the area of instruction are the following, which will be highlighted in the renewal process:

- The VDOE created a dynamic teacher information Web site called [TeacherDirect](#) that provides information to teachers on a weekly basis. Currently, over 23,000 individuals subscribe to a weekly e-mail update from the VDOE, in addition to those who access the information directly from the static Web site.

- Staff members in the Divisions of Instruction and Special Education have worked especially closely to develop instructional resources and recommend policies that provide greater support for students with disabilities and English language learners (ELLs).
- Additional assistance to ELLs and their teachers is included on the VDOE’s [English as a Second Language \(ESL\) Web page](#), including comprehensive information on the World-Class Instructional Design and Assessment (WIDA) English Language Development (ELD) standards and corresponding English language proficiency assessment, technical assistance to teachers, schools, and school divisions, and other resources. Additionally, throughout the year, the VDOE provides numerous opportunities for teachers to gain additional expertise in working with ELLs.
- Through the federal program application review and monitoring process, VDOE ensures school divisions: 1) align the use of Title II, Part A, funds with the findings of a local needs assessment conducted in collaboration with the division’s teachers and principals, and that multiple sources of data are used; and 2) use funds for evidence-based professional development efforts that deepen educators’ subject-matter knowledge of instructional practices for all students and subgroups.

In recognition of the need for all content areas to address ESL instruction, the VDOE has made this topic a priority in requesting assistance from the Appalachia Regional Comprehensive Center (ARCC), the federally-funded assistance center assigned to work with Virginia. During the next five years, the ARCC will work with the VDOE to build the capacity of state-level staff to support the use of promising instructional strategies to assist ELLs in the core content areas.

The Virginia General Assembly continues to support initiatives mentioned in Virginia’s approved waiver application that are intended to provide additional support to all at-risk students, which includes students with disabilities and English language learners. These initiatives include [Project Graduation](#), the [Algebra Readiness Initiative](#), the [Virginia Preschool Initiative](#), the [Early Intervention Reading Initiative](#), and the [Virginia Early Warning System](#).

Implementation of College- and Career-Ready Assessments

Virginia is a national leader in implementing online tests. The administration of the state assessments in an online format has provided Virginia with the opportunity to develop next-generation assessments that include technology-enhanced items in addition to multiple-choice items. The technology-enhanced items provide for different ways to measure critical thinking and problem-solving skills and support the increased rigor inherent in Virginia’s new content standards. New Standards of Learning mathematics tests for grades 3-8, Algebra I, Geometry, and Algebra II that include technology-enhanced items were administered for the first time in 2011-2012. New reading, writing, and science assessments that also include technology-enhanced items were implemented in 2012-2013. The Algebra II, Reading, and Writing end-of-course Standards of Learning tests include a “college path” achievement level that represents the prerequisite skills and knowledge that students need for success in introductory credit-bearing college courses.

Students with disabilities in Virginia are expected to achieve the same standards as their non-disabled peers. A small number of students with significant cognitive disabilities participate in alternate assessments based on alternate achievement standards as provided for in ESEA. The

assessments measure Aligned Standards of Learning which are based on the Standards of Learning but that have been reduced in depth and complexity. Virginia is currently working with other states in the Dynamic Learning Maps (DLM) Assessment Consortium on the development of computer adaptive tests in reading, writing, and mathematics for students with significant cognitive disabilities. Virginia plans to transition to the DLM assessments in 2014-2015.

School divisions were notified via Superintendent's Memorandum #261-12 on September 21, 2012, that the Virginia Modified Achievement Standards Test (VMASST) would no longer be available to eligible students beyond the 2013-2014 school year. VDOE staff will continue to work with its testing contractor to investigate future opportunities to incorporate research-based supports and simplifications, such as those developed for the VMASST reading and mathematics assessments, into the Virginia assessment program. In addition, VDOE will continue to work with school division personnel to ensure that students previously eligible for VMASST will participate in the state assessment program beginning in the 2014-2015 school year.

Principle 2 – Targeted and Differentiated Accountability Systems

Annual Measurable Objectives

At its October 2012 meeting, the Virginia Board of Education approved a revised annual measurable objective (AMO) methodology applied to a six-year trajectory. The methodology requires lower-performing subgroups to make greater gains in pass rates to close the achievement gap in reading and mathematics. The Board also established new continuous progress expectations for higher-performing subgroups. The changes in methodology and the higher expectations were subsequently approved by the U.S. Department of Education in March 2013. The policy requires that subgroups with a prior year pass rate higher than the current year's target maintain or exceed the prior year pass rate, within five percent, and up to 90 percent. Also, subgroups with a starting pass rate higher than the required Year 6 pass rate are expected to make continuous progress. Schools with subgroups that do not meet the higher expectations currently receive an accountability status of *Did Not Meet All Federal AMOs – MHE (did not Meet Higher Expectations)*.

The higher expectations were established in an effort to ensure higher-performing subgroups continue to advance their achievement; however, impact data analyzed in fall of 2013 indicate that a disproportionate percentage of schools are adversely affected by one or more subgroups not meeting the higher expectations. As well, the minimum group size reduction from 50 to 30 students in the 2012-2013 assessment year further magnified the impact of the higher expectations. Fluctuations in the number of students in a subgroup from year to year created inconsistencies when comparing a high pass rate in the prior year to the current year's achievement of a different cohort of students. Hence, the Board's policy, which has been coined the "no backsliding" policy, created unintended consequences during 2012-2013 that must be addressed immediately to avoid unfairly labeling schools as not meeting federal AMOs in the fall of 2014-2015 based on assessments administered in 2013-2014.

Schools should maintain high expectations for all subgroups, and in particular, should engage in efforts to maintain exceptional achievement among subgroups demonstrating such achievement. However, to mitigate the unintended consequences of the higher expectations embedded among

the provisions to meet AMOs, the higher expectations will be used as an incentive for schools and subgroups. Beginning with the 2014-2015 accountability year (2013-2014 assessment year), a subgroup will be considered as meeting the federal AMOs for reading and mathematics if: 1) the subgroup's current year pass rate meets or exceeds the target; 2) the subgroup's three year average meets or exceeds the target; or 3) the subgroup reduces the failure rate by 10 percent as compared to the prior year (safe harbor). Schools with subgroups that meet the AMOs by the aforementioned provisions, and have one or more subgroups meeting the higher expectations approved by the Board in October 2012, will receive a status of *Met All Federal AMOs and Higher Expectations*. The *Did Not Meet All Federal AMOs – MHE (did not Meet Higher Expectations)* status will be discontinued.

Statewide System of Support for Title I Schools

The Office of School Improvement will begin reviewing the practices and supports in place in previously-identified priority schools that do not meet the state's exit criteria after two years of implementing interventions aligned with the turnaround principles. A transition plan will be developed to move these schools from the Lead Turnaround Partner (LTP) to the state's direct oversight if the school does not meet the exit criteria after the third year of implementation. The VDOE may require the division to continue with the LTP or may require other actions needed to ensure that the school improves through a Memorandum of Understanding established with the VDOE and the local school board. The local board and school will be required to provide updates on actions prescribed in the Memorandum of Understanding periodically to the Virginia Board of Education.

Previously-identified focus schools that have not met the state's exit criteria after implementing interventions will be required to hire an LTP paid for by the division's federal Title I set-aside or other available funds. The LTP will support the school and division in identifying strategies that are based on the needs of students and designed to improve the performance of low-performing students and reduce achievement gaps among subgroups.

Virginia will require a rigorous process for providing interventions and supports to low-achieving students in Title I schools when one or more subgroups miss AMO(s), including federal graduation rate targets, over a number of years. In the second year of missing an AMO target, the school and division will be required to submit, in addition to an Indistar® plan, quarterly data through an approved web-based system to the Office of School Improvement regarding all students who did not pass a state assessment. The school and division will be required to evaluate each of the student's interventions based on the effectiveness of increasing each student's performance and report in aggregate in Indistar®.

Principle 3 – Teacher and Principal Evaluation Systems

Virginia has fully implemented model teacher and principal evaluation systems approved by the Virginia Board of Education. Extensive technical assistance and professional development have been provided to central office leaders, principals, and teachers in the implementation of the Board's approved teacher and principal model evaluation systems. The charts below provide an outline of the key actions in the development and implementation of the teacher and principal evaluation systems.

Teacher Evaluation

Timeframe	Key Actions
Summer 2010 – Spring 2011	Statewide work group established and developed recommended <i>Uniform Performance Standards and Evaluation Criteria for Teachers</i>
April 28, 2011	Board of Education approves the <i>Uniform Performance Standards and Evaluation Criteria for Teachers</i> effective July 1, 2012
Summer 2011	Training in the <i>Uniform Performance Standards and Evaluation Criteria for Teachers</i> provided to school divisions participating in the Governor’s Virginia Performance Pay Incentives Pilot
2011 – 2012	Governor’s Virginia Performance Pay Incentives Pilot implemented in 25 schools, representing 13 school divisions
July 1, 2012	<i>Uniform Performance Standards and Evaluation Criteria for Teachers</i> became effective
Summer 2011 – Fall 2013	Technical assistance and professional development provided throughout the state in the implementation of the <i>Uniform Performance Standards and Evaluation Criteria for Teachers</i>

Principal Evaluation

Timeframe	Key Actions
Fall 2011	Statewide work group established and developed recommended <i>Uniform Performance Standards and Evaluation Criteria for Principals</i>
February 23, 2012	Board of Education approves the <i>Uniform Performance Standards and Evaluation Criteria for Principals</i> effective July 1, 2013
2012 – 2013	Principal evaluation pilot conducted in schools receiving 1003(g) School Improvement Grant (SIG) funds
July 1, 2013	<i>Uniform Performance Standards and Evaluation Criteria for Principals</i> become effective
Summer 2013 – Fall 2013	Technical assistance and professional development provided throughout the state in the implementation of the <i>Uniform Performance Standards and Evaluation Criteria for Principals</i>

As a part of the renewal process, each state must provide “a detailed timeline of the SEA’s plan for implementation of teacher and principal evaluation and support systems, including when data from the systems will be collected, publicly reported, and incorporated into ratings, when ratings will be given to teachers and principals, when ratings will be used to guide professional development, and when ratings will be used to make personnel decisions.”

The *Code of Virginia* was amended by the 2012 General Assembly, to change the date teachers must be notified of nonrenewal from April 15 to June 15. As amended by the 2013 General Assembly, the *Code* states, in part, that principals must be notified of reassignment to a teaching position by June 15. Evaluation ratings should be provided to teachers and principals by June 15 as they are used to make personnel decisions each year. As stated in the *Code*, evaluations shall include identification of areas of individual strengths and weaknesses and recommendations for appropriate professional activities.

Currently teacher and principal evaluation data are collected through the Teacher and Principal Evaluation Collection Survey (TPEC-Survey) and the Teacher and Principal Evaluation Collection for School Improvement Grant Schools (SIG-TPEC). The TPEC-Survey is completed by all school divisions and collects assurances that teacher and principal evaluation systems are implemented pursuant to Virginia’s approved ESEA Flexibility plan. The SIG-TPEC is a required data collection for schools receiving School Improvement Grant 1003(g) funds, and the collection includes the number of teachers rated at each summative rating level by school. As plans are developed for ESEA Flexibility renewal, Virginia will explore what data must be collected and reported to meet renewal requirements.

In addition, ESEA Flexibility renewal requires each state to describe how it will transition to ensure that poor and minority students are not taught at higher rates than other children by inexperienced, ineffective, or out-of-field teachers and to provide an assurance that it will submit a comprehensive equity plan using effectiveness data from teacher and principal evaluation support systems by October 2015.

Recognizing the critical role that teacher quality plays in ensuring a high-quality education, Virginia has a Teacher Equity Plan. Currently, data for teacher equity planning are collected through the Department’s annual Instructional Personnel and Licensure (IPAL) report and includes data regarding the following: 1) licensure and endorsements; 2) highly-qualified status; and 3) out-of-field teachers. Virginia will develop a comprehensive equity plan by October 2015 that will address this teacher quality issue.

ESEA Flexibility Renewal Timeline

The chart below provides VDOE’s tentative timeline for providing information on ESEA flexibility renewal to stakeholders, presenting a renewal application to the Virginia Board of Education, and submitting the renewal application to the U.S. Department of Education.

Tentative Timeline

Date	Action
September 25, 2013	Present ESEA Flexibility Renewal Process to the Accountability Committee
October 22, 2013	Discuss Executive Summary of Proposed Additions and Revisions with the Committee of Practitioners
October 23, 2013	Present Executive Summary of Proposed Additions and Revisions to the Accountability Committee
November 20, 2013	Report to Accountability Committee (tentative)
November 21, 2013	Present First Draft of Revised ESEA Flexibility Renewal Application to the Board of Education for First Review
December 2, 2013	Discuss the First Draft of the Revised ESEA Flexibility Renewal Application with the Committee of Practitioners
January 15, 2014	Report to Accountability Committee (tentative)
January 16, 2014	Present Final Draft of Revised ESEA Flexibility Renewal Application to the Board of Education for Final Review
January 22-31, 2014	Submit Final ESEA Flexibility Renewal Application to USED for Approval

In addition to the meetings outlined above, e-mails with links to video recordings of the meetings and links to renewal materials, such as the renewal application, will be provided to key stakeholders in separate communications. Stakeholders and the general public are encouraged to submit comments about the proposed updates and revisions to ESEA@doe.virginia.gov. Comments will be accepted through December 31, 2013, and will be considered in the completion of the final renewal application. As well, questions about ESEA flexibility or the renewal process may be directed to ESEA@doe.virginia.gov.