

# Virginia Board of Education Agenda Item



**Agenda Item:** L

**Date:** February 27, 2014

<b>Title</b>	First Review of Virginia's Application for a One-Year Extension of Waivers from Certain Requirements of the <i>Elementary and Secondary Education Act of 1965</i> (ESEA)		
<b>Presenter</b>	Ms. Veronica Tate, Director, Office of Program Administration and Accountability		
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**Purpose of Presentation:**

Action required by state or federal law or regulation.

**Previous Review or Action:**

No previous review or action.

**Action Requested:**

Action will be requested at a future meeting. Specify anticipated date below:  
March 27, 2014

**Alignment with Board of Education Goals: Please indicate (X) all that apply:**

X	Goal 1: Accountability for Student Learning
	Goal 2: Rigorous Standards to Promote College and Career Readiness
	Goal 3: Expanded Opportunities to Learn
	Goal 4: Nurturing Young Learners
	Goal 5: Highly Qualified and Effective Educators
	Goal 6: Sound Policies for Student Success
	Goal 7: Safe and Secure Schools
X	Other Priority or Initiative. Specify: Required by the U.S. Department of Education for ESEA flexibility

**Background Information and Statutory Authority:**

Goal 1: The Board of Education supports accountability for all public schools by establishing state policies and complying with federal requirements that help schools increase the academic success of all students.

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.

In November 2013, USED issued a letter to state superintendents (Attachment A) inviting “Window 1” and “Window 2” states to request a one-year extension of ESEA flexibility through the end of the 2014-2015 school year. A state seeking an extension of ESEA flexibility must: 1) submit a letter to USED requesting an extension of ESEA flexibility and describing how the flexibility has been effective in enabling the state to carry out the activities for which the flexibility was requested and how the flexibility has contributed to improved student achievement; and 2) resolve any state-specific issues and or action items identified as a result of USED’s Part B monitoring of ESEA flexibility, including by submitting, as necessary and where applicable, a revised application. A state may also submit additional amendment requests through a revised application.

States must submit ESEA flexibility extension requests by February 28, 2014, or within 60 days of receipt of the ESEA flexibility Part B monitoring report. On September 30, 2014, USED conducted Part B monitoring of the state’s implementation of ESEA flexibility provisions. Virginia has not yet received an official monitoring report from USED.

### **Summary of Important Issues:**

Virginia will request the one-year extension for ESEA flexibility. As part of the request, the state will include a summary of a proposed amendment to its ESEA flexibility plan (Attachment B) and a complete redline version of its ESEA flexibility application (Attachment C) with updates to Principles 1 and 3 and proposed amendment to Principle 2. The Department of Education has developed the proposed application for a one-year extension to its ESEA flexibility request based on guidance received to date. The Department will present the application to the Board for final review after the monitoring report is received.

### **Principle 1 – College- and Career-Ready Standards and High-Quality Assessments (Update)**

#### *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 original waiver request. Unlike states that have adopted the Common Core State Standards (CCSS) to 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.

As anticipated, the implementation of new rigorous assessments reflecting the revised standards resulted in declines in pass rates on assessment administered for mathematics in 2011-2012 and reading in 2012-2013. In response, the Virginia Department of Education has provided extensive professional development, instructional resources, and technical assistance to schools and school divisions. Highlights of those efforts include:

- Creating an information Web site, TeacherDirect, which provides updates on professional development opportunities to teachers and other classroom personnel. Over 23,000 educators are currently subscribed to a weekly e-mail containing these updates.
- Providing increased assistance to educators of English language learners (ELLs), including developing policy recommendations, providing extensive professional development trainings and resources on instructional strategies that align with the 2012 amplified English language development standards, and enhancing the Department's Web site for ELL-related policy and support.
- Providing increased assistance to educators of students with disabilities, including partnering with Virginia Commonwealth University to establish a statewide center for development, dissemination, and evaluation of effective practices for students with disabilities, and developing the Virginia Tiered System of Supports as a systemic framework for providing resources and support for academic and behavioral success.
- Ensuring, through the federal program application and monitoring process, alignment of Title II, Part A, funds with the results of local needs assessments conducted in collaboration with the divisions' teachers and principals. The process also ensures funds are used for evidence-based professional development efforts that deepen educators' subject-matter knowledge of instructional practices for all students and subgroups.

In addition to the Department's enhanced efforts to assist schools and school divisions in implementing revised standards, the General Assembly has funded a number of initiatives to recruit and maintain effective teachers in Virginia's classrooms by contributing to their initial teacher preparation or ongoing professional development. Examples include incentive awards, strategic compensation grants, and scholarship loan programs, and the establishment of the Virginia Center for Excellence in Teaching which will provide professional development for 100 teachers annually.

### *Implementation of College- and Career-Ready Assessments*

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.

## Principle 2 – Targeted and Differentiated Accountability Systems (Amendment)

### *Annual Measurable Objectives*

At its October 2012 meeting, the Virginia Board of Education approved and USED accepted 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 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 because more schools were accountable for the now smaller subgroups that had previously not been reported for federal accountability. Fluctuations in the number of students in a subgroup from year to year also create 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 where high-performing subgroups did not meet the AMOs, thus the school did not meet the required federal accountability benchmarks.

To mitigate the unintended consequences of the higher expectations embedded among the provisions to meet AMOs, the Department of Education proposes that these higher expectations be used as an incentive for schools and subgroups. (See Attachment C, pages 61-65) Beginning with the 2014-2015 accountability year (2013-2014 assessment year), a subgroup would 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).

The Department proposes that schools with all subgroups meeting the AMOs by the aforementioned provisions, and have one or more subgroups meeting the higher expectations approved by the Board in October 2012, would 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 would be discontinued.

### *Reward Schools Criteria*

Criteria for the identification of Blue Ribbon and Title I Distinguished Schools and School Divisions have been modified to more closely align with reading and mathematics AMO expectations and federal graduation indicator (FGI) requirements. (See Attachment C, pages 70-71) As well, the revised criteria for Blue Ribbon Achievement Gap Schools and Title I Highly Distinguished Schools and School

Divisions include more rigorous requirements for reading and mathematics performance and the FGI for all students and *each* subgroup.

### **Principle 3 – Teacher and Principal Evaluation Systems (Update)**

#### *Guidelines for Local Teacher and Principal Evaluation and Support 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. For example, technical assistance trainings were provided throughout the state, various evaluation resources were posted to the Department’s Web site, and the Support Dialogue and Performance Improvement Plan were developed as tools for use by an evaluator in addressing professional performance.

#### *Guidelines for Superintendent Evaluation and Support*

Although not a requirement for ESEA flexibility, the Department convened a work group in Spring 2012 to conduct a comprehensive study of superintendent evaluation. At its September 27, 2012, meeting, the Board of Education approved the revised document, *Guidelines for Uniform Performance Standards and Evaluation Criteria for Superintendents*, which reflected recommendations from the workgroup. The guidelines become effective on July 1, 2014; however, school boards and divisions may implement them prior to that date.

#### *General Assembly Legislation*

The 2013 General Assembly passed legislation to revise teacher, principal, and superintendent evaluation. Among the revisions are the following:

- Required annual evaluations, either formal or informal, for teachers and administrators.
- Professional development for school board members, including, but not limited to, personnel evaluation.
- A change in the deadline for a school board to notify principals, assistant principals, or supervisors under continuing contract status of their reassignment to teaching positions from April 15 to June 15.
- Flexibility for school boards to increase the term of probationary service required before a teacher becomes eligible for continuing contract from three years up to five years.

#### *Required Reporting on Teacher and Principal Evaluation*

In 2012, Virginia modified its Teacher and Principal Evaluation Collection Survey (TPEC-Survey) system to align with provisions of the state’s approved ESEA flexibility application. The modified collection includes certain certifications regarding local evaluation implementation, such as student academic progress accounting for a total of 40 percent of the summative evaluation for teachers, for which all divisions have reported compliance. As required by the School Improvement Grant (SIG) program under Section 1003(g) of ESEA, the Department collected and reviewed extensive teacher evaluation data from schools receiving these funds, including rating levels and definitions, as well as the number of teachers rated at each level for each of the domains (performance standards) or summative levels.

**Impact on Fiscal and Human Resources:**

The provisions of the ESEA flexibility require the Virginia Department of Education and school divisions to implement numerous federal accountability requirements and report a great deal of data. These requirements will continue to have a significant impact on the resources of the agency and school divisions.

**Timetable for Further Review/Action:**

Following the Board's final review of the extension application anticipated on March 27, 2014, Virginia will submit to USED a letter requesting a one-year extension of ESEA flexibility. Virginia will also submit an application with updates on the state's implementation of ESEA flexibility and an amendment to the AMO methodology.

**Superintendent's Recommendation:**

The Superintendent of Public Instruction recommends that the Board of Education receive for first review Virginia's ESEA flexibility extension application.