



COMMONWEALTH of VIRGINIA
Department of Education

July 3, 2014

TO: Division Superintendents

FROM: Steven R. Staples, Superintendent of Public Instruction

SUBJECT: U.S. Department of Education (USED) Approval of Virginia's Application for a One-Year Extension of Waivers from Certain Requirements of the *Elementary and Secondary Education Act of 1965* (ESEA)

USED Approval of Virginia's ESEA Flexibility Extension Request

On Thursday, July 3, 2014, USED approved [Virginia's application for a one-year extension of ESEA flexibility](#). The Virginia Department of Education [letter requesting the extension](#), a [summary of substantive amendments](#) to the state's ESEA flexibility plan, and the state's [response to the USED Part B monitoring of the state's implementation of ESEA flexibility](#), required as part of the extension process, are available on the Department's [ESEA flexibility Web page](#).

Background Information

In June 2012, USED approved Virginia to implement ESEA flexibility for two school years – 2012-2013 and 2013-2014. In November 2013, USED invited states to submit a request for a one-year extension of ESEA flexibility for school year 2014-2015. States were required to submit extension requests to USED by February 28, 2014, or within 60 days of receipt of the ESEA flexibility Part B monitoring report, and include responses to the monitoring report, if applicable. On Thursday, March 13, 2014, Virginia received a final report resulting from USED's September 30, 2014, Part B monitoring of the state's implementation of flexibility. The report contained two findings, one related to the timeline for replacing principals in priority schools and the other related to report card data elements. In other notes in the monitoring report, USED requests that Virginia clarify its data collection requirements for school division educator evaluation systems and describe the process the state will use to monitor implementation of such systems.

On Thursday, March 27, 2014, the Virginia Board of Education approved Virginia's amended ESEA flexibility application, which included responses to the USED Part B monitoring and several substantive amendments to the state's ESEA flexibility plan as described below. The full March 27, 2014, Board item and application are accessible at the following link:

http://www.doe.virginia.gov/boe/meetings/2014/03_mar/agenda_items/item_b.pdf. The Department submitted the amended application and accompanying documents to USED on March 31, 2014.

Substantive Amendments Effective Beginning in School Year 2014-2015

A summary of the substantive amendments to Virginia's ESEA flexibility plan is provided below.

Amendment to Section 2.B – Set Ambitious but Achievable Annual Measurable Objectives (AMOs)

In October 2012, the Board of Education approved changes to the methodology to calculate AMOs. Those changes included new continuous progress expectations for higher-performing subgroups. The policy required 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)*.

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 to avoid unfairly labeling schools as not meeting federal AMOs.

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.

The Federal Annual Measurable Objective reports in the Single Sign-On for Web Systems (SSWS) and school report cards will be programmed to reflect the accountability changes described above when they are made available to school divisions later this summer.

Amendment to Section 3.B - Ensure Local Educational Agencies Implement Teacher and Principal Evaluation Systems

Virginia's ESEA flexibility Part B monitoring report indicated a requirement for the state to either provide evidence that it continues to collect certain evaluation data required under the State Fiscal Stabilization Fund (SFSF), or develop an alternative plan and a timeline for monitoring and evaluating implementation of local evaluation systems.

Continued Support and Monitoring for Educator Evaluation Systems

As described in the state's [currently approved ESEA flexibility application](#), Virginia will continue to annually collect:

- Through the Teacher and Principal Evaluation Collection Survey (TPEC Survey), information and certifications from all school divisions on their implementation of the Board's *Guidelines for Uniform Performance Standards and Evaluation Criteria for Teachers and Principals*; and
- Through the School Improvement Grant (SIG)-TPEC Survey, the following data from all SIG schools: 1) the number of teachers rated at each summative rating level by school; and 2) the number of principals rated at each summative rating level aggregated to the division level.

Additional Support and Monitoring for Educator Evaluation Systems

In an effort to provide additional assistance to the state's lowest-performing schools, and to ensure highly effective teachers and principals are working with students most in need of academic support, Virginia will require *all* priority schools to submit the same detailed evaluation data submitted by SIG schools. The Office of School Improvement, working with the Office of Educational Information Management, will provide additional information and directions at a later date to school divisions required to submit these data.

As well, the Title II, Part A, federal program monitoring protocol will be revised to include questions related to the implementation of the educator evaluation system and the extent to which school divisions are using data from evaluations to inform professional development and educator support efforts. Together, these additional efforts will allow the state to target guidance on evaluation systems for optimal impact on lowest-performing schools and meaningful use of evaluation data for a transformative effect on teaching and learning. The next Title II, Part A, monitoring cycle will begin in spring of 2015, at which time the Office of Program Administration and Accountability will provide technical assistance related to the monitoring protocol revisions.

General questions regarding amendments to Virginia's ESEA flexibility plan may be submitted to ESEA@doe.virginia.gov.

SRS/VT/dd