



On March 31, 2006, President of the Board Dr. Mark E. Emblidge communicated the board's action to the USED and asked USED to approve the requests as specific waivers permitted in Section 9401 of the federal law. These amendments are based on four years of implementing NLCB and identification of certain procedures in implementing AYP policies that may result in unintended consequences.

Virginia's proposed amendments fall under 7 major areas: (1) reversing the order of the school choice and supplemental educational services (SES) sanctions; (2) targeting choice and SES only to the subgroup and individual students not making AYP; (3) identifying for improvement only those schools that fail to make AYP for two consecutive years in the same subject and subgroup; (4) including the passing scores of all retests of SOL assessments required for graduation in the calculation of AYP; (5) including test scores from only certain grade levels in the 2006-2007 AYP performance calculation for subgroups; (6) extending flexibility in AYP calculation policies for students with disabilities; and (7) modifying testing and AYP calculation policies for limited English proficient (LEP) students.

#### Requirements for Highly Qualified Teachers

On October 21, 2005, Secretary of Education Margaret Spellings issued a policy letter explaining that despite the substantial progress states are making in meeting the goal of having all core academic subjects taught by highly qualified teachers (HQT) by the end of the 2005-2006 school year, states are still facing difficulties in fully meeting this requirement. The Secretary stated that if a state is falling short of the 100 percent HQT goal but meets the four requirements for implementing NCLB that constitute a "good-faith effort" to reach the goal, USED would request that states submit a revised plan detailing specific steps the state will take to reach the HQT goal in the 2006-2007 school year. For the 2004-2005 school year, Virginia reported that 94.6 percent of the classes in the state are taught by highly qualified teachers. Preliminary data suggest that Virginia will not meet the goal of 100 percent HQT by the end of the 2005-2006 school year. Therefore, Virginia will be required to submit a revised state plan to USED on July 7, 2006.

On March 21, 2006, Assistant Secretary of Education Henry L. Johnson issued a policy letter stating that as part of the revised state plan, each state will need to explain how the SEA will limit the use of the High Objective Uniform State Standard of Evaluation (HOUSSE) procedure for teachers hired after the end of the 2005-2006 school year. At subsequent follow-up meetings on the same topic, USED has indicated that the HOUSSE may not be available for use by states after July 1, 2006.

#### Status of USED Standards and Assessment Peer Review

As part of the NCLB compliance requirements states must submit materials to USED for a peer review of the processes and policies related to the development and implementation of the state's standards and assessments. In November 2005, the Virginia Department of Education submitted available documentation to USED for review under this requirement. Because Virginia implemented new tests in reading and mathematics in grades 3-8 in spring 2006 as well as a revised alternate assessment program for students with significant cognitive disabilities, some of the required information was not available at the time of the November 2005 submission. On March 22, 2006, USED issued a letter to Virginia outlining additional evidence that Virginia must submit after the spring 2006 test administration to meet the requirements. Based on the timeline for the submission of this additional information, USED will issue one of the following approval categories: 1) full approval; 2) full approval with recommendations; 3) approval expected; 4) approval pending; or 5) non-approved. Depending on the initial approval category, USED may place conditions on a state's Title I grant award and restrict NCLB flexibility agreements. A second peer review of the additional information will be conducted and USED will issue a revised approval category.

**Summary of Major Elements**

To date, the U. S. Department of Education (USED) has not responded to the Board of Education's request to amend Virginia's Consolidated State Application Accountability Workbook. The calculation of Adequate Yearly Progress (AYP) for the 2006-2007 year based on 2005-2006 assessment results is dependent on a decision from USED.

Non-regulatory guidance from USED on the changes in implementation for the HOUSSE requirements is pending. It is difficult for Virginia to provide guidance to the local school divisions until official guidance has been issued by USED.

A response from USED regarding standards and assessment peer review approval category for the Virginia assessment system is pending.

**Superintendent's Recommendation:**

No action is requested. This report is for information purposes only.

**Impact on Resources:**

The provisions of the *No Child Left Behind Act of 2001* require the Department of Education to collect, analyze, and report data related to determining Adequate Yearly Progress (AYP) for all schools and school divisions in the state. Depending on the results of the standards and assessment peer review, adjustments may need to be made to the implementation of the current assessment system. The Department of Education is also required to collect, analyze, and report data on the status of Highly Qualified Teachers (HQT). Depending on the results of USED's review of Virginia's HQT state plan and the Title II, Part A Compliance Management Report, adjustment may need to be made to Virginia's HOUSSE.

**Timetable for Further Review/Action:**

The Department of Education will provide periodic updates to the Board of Education.