

# Board of Education Agenda Item

Item: \_\_\_\_\_ M. \_\_\_\_\_

Date: \_\_\_\_\_ May 27, 2010 \_\_\_\_\_

**Topic:** First Review of Proposed Amendments to Virginia's Consolidated State Application Accountability Plan under the *No Child Left Behind Act of 2001*

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## Origin:

\_\_\_\_ Topic presented for information only (no board action required)

Board review required by  
     State or federal law or regulation  
    \_\_\_\_ Board of Education regulation  
    \_\_\_\_ Other: \_\_\_\_\_

Action requested at this meeting       Action requested at future meeting: June 24, 2010

## Previous Review/Action:

\_\_\_\_ No previous board review/action

Previous review/action  
Date: November 17, 2009  
Action: First review of proposed amendments submitted to USED  
Date: January 14, 2010  
Action: Final review of proposed amendments submitted to USED.

## Background Information:

In October 2008, the United States Department of Education (USED) issued final regulations governing programs administered under Part A of Title I of the Elementary and Secondary Education Act of 1965, as amended (ESEA). The new regulations require Virginia to submit to the Secretary of Education, for approval, revisions to its accountability workbook to comply with accountability requirements for graduation rates. Requirements under the new regulations include reporting four-year cohort graduation rates for all schools, school divisions, and the state for all student subgroups. The regulations also require that Virginia establish a statewide goal for graduation rates that all high schools are expected to meet; and establish targets for continuous and substantial improvement in graduation rates.

In January 2010, the Virginia Board of Education submitted to the U.S. Department of Education (USED) proposed changes to its federal accountability workbook to meet requirements of regulations passed in December 2008 pertaining to graduation rates. Specifically, Virginia requested to report a four, five, and six year graduation rate consistent with the federally prescribed methodology. The Virginia Department of Education (VDOE) has received verbal feedback that the request would be

approved. Virginia further requested a waiver from certain provisions of the federal regulation and requested that Virginia be permitted to use its state regulatory calculation, the Graduation and Completion Index, for purposes of federal accountability. VDOE received recent verbal feedback that this request would not be approved.

**Summary of Major Elements**

Revisions are being proposed to elements in the Consolidated State Application Accountability Plan to comply with federal regulations pertaining to graduation rates issued in October 2008, based on verbal feedback from USED that the plan to apply the Graduation and Completion Index to AYP calculations would not be approved.

The regulations require that Virginia establish a statewide goal for graduation rates that all high schools are expected to meet; and establish targets for continuous and substantial improvement in graduation rates. The proposed revisions will apply to schools' and school divisions' adequate yearly progress (AYP) determinations. Attachment A describes the proposed amendment and the rationale for the proposed request.

**Superintendent's Recommendation:**

The Superintendent of Public Instruction recommends that the Board of Education accept for first review the proposed amendments to the Virginia Consolidated State Application Accountability Plan.

**Impact on Resources:**

The provisions of the ESEA require the Department of Education to collect and analyze data related to determining Adequate Yearly Progress (AYP) for all schools and school divisions in the state. These requirements will continue to have an impact on the agency's resources.

**Timetable for Further Review/Action:** The proposed amendments will be presented for final review at the June 2010 Board of Education meeting. Final approval of the amendments will be requested at this meeting.

## Substitute Attachment A

### **Annual Measurable Objectives for Graduation Rate (Critical Element 3.2b) and Targets for Continuous and Substantial Improvement (§200.19 (b)(3)(i).)**

**Revised Proposal, May 27, 2010**

**Request:** Virginia will report and use for federal reporting and accountability an adjusted cohort graduation rate that does not permit students to have their cohort adjusted regardless of English language learner or disability status, and only includes Virginia's standard and advanced studies diplomas in the numerator. The federal adjusted cohort graduation rate defined in regulation is based on cohorts of students who enter ninth grade for the first time; it is adjusted for students who transfer in, transfer out, or are deceased. Virginia will report four-, five-, and six-year federal adjusted cohort graduation rates as they become available. Virginia will report the federal adjusted cohort graduation rate beginning with the ninth-grade cohort of 2004-2005; four-year graduates from this cohort would have earned diplomas by the end of the 2008 school year.

Virginia will use the federal adjusted cohort graduation rate for purposes of making adequate yearly progress (AYP) determinations beginning in the summer of 2010. Virginia requests the following be approved for making AYP determinations:

- Statewide goal: 80 percent of students graduate with a regular diploma in four, five, or six years.
- Targets for continuous and substantial improvement: 10 percent reduction in the percent of non-graduating students from the previous year applied only to the four-year graduation rate.

Virginia will average graduation data over three years to minimize annual variations in data impacting AYP determinations, as is permitted in Section 1111(b)(2)(J) of the ESEA.

For purposes of calculating AYP for the LEP subgroup, Virginia will apply a definition of LEP students that is consistent with the longitudinal nature of the accountability measure. English language learners who meet the federal definition of LEP at any time since first entering the adjusted cohort will be included in the LEP student subgroup for purposes of accountability. This would include all students identified as LEP for calculating the pass rates for federal accountability, *and* students who were identified as LEP at any time since first entering ninth grade or otherwise transferring into the adjusted cohort. Virginia's educators are committed to educating all students. Students who were identified as LEP in the early years of high school but are no longer part of the LEP subgroup when they graduate have benefitted from the instruction that our schools provide; our accountability system should reflect their commitment and successes.

Because the complete data on student graduation and completion rates, including summer graduates, are not available until after AYP determinations are made each year, Virginia will calculate adequate yearly progress based on the previous year's graduation rates. This will permit the calculations to be available in time to make AYP determinations before the beginning of the school year.

#### **Rationale:**

VDOE was notified that USED would not approve Virginia's request to waive certain provisions of CFR §200.19 as requested previously. Conversations with staff at USED and a review of approved goals and targets from other states indicates that this approach complies with the federal regulations and accompanying nonregulatory guidance provided by USED. The approach establishes a statewide graduation rate goal that is consistent with state accountability requirements. The targets for continuous and substantial improvement are challenging and recognize school and school division efforts to improve high school graduation rates.