

Board of Education Agenda Item

Item: _____ H. _____

Date: _____ June 24, 2010 _____

Topic: Final 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:

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. USED informed VDOE that these proposed amendments would not be accepted
Date: May 27, 2010
Action: First review of revised proposed amendments

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 the federally prescribed graduation rate. Requirements under the new regulations include reporting a four-year cohort graduation rate for all schools, school divisions, and the state for all student subgroups. The regulations also require that Virginia establish a statewide graduation goal that all high schools are expected to meet and establish targets for continuous and substantial improvement based on graduation rates.

In January 2010, the Virginia Board of Education submitted to USED proposed changes to its federal accountability workbook to meet the graduation rate requirements of the October 2008 regulations. Specifically, Virginia requested to report a four-, five-, and six-year federal graduation indicator calculated in a manner that is consistent with the federally prescribed methodology. The Virginia Department of Education (VDOE) has received verbal feedback that the request would be approved if the calculation included only regular diplomas. 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.

The federally prescribed calculation differs from the Virginia On-Time Graduation Rate adopted by the Board of Education in 2006, which is Virginia's official high school graduation rate. The results of the federally prescribed calculation will be referred to as the federal graduation indicator.

Summary of Major Elements

Based on verbal feedback from USED that Virginia's previous request to apply the Graduation and Completion Index to Virginia's adequate yearly progress (AYP) calculations would not be approved, 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.

The regulations require that Virginia report a four-year federal graduation indicator and extended year indicators if they are used in making AYP determinations; establish a statewide goal that all high schools are expected to meet; and establish targets for continuous and substantial improvement in the federal graduation indicator. The proposed revisions will apply to schools' and school divisions' with graduating classes and the state's AYP determinations.

Under the proposed amendments, Virginia would report four-, five-, and six-year federal graduation indicators as they become available. Upon Board of Education and U.S. Department of Education approval, there will be four ways that schools, school divisions, and the state can meet or exceed the other academic indicator (OAI) for graduation rates for purposes of making AYP determinations:

- If the four-year federal graduation indicator is ≥ 80 percent; or
- If the five-year federal graduation indicator is ≥ 80 percent; or
- If the six-year federal graduation indicator is ≥ 80 percent (note that this indicator will not be available for calculations made in 2010; it will be available beginning in 2011); or
- If there is at least a 10 percent reduction in the percent of students who did not graduate in four years compared to the prior year's four-year federal graduation indicator.

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 adopt the proposed amendments to the Virginia Consolidated State Application Accountability Plan and authorize the Department to submit the request to USED for approval so that the methodology may be used to make AYP determinations in the summer of 2010.

Impact on Resources:

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

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, June 24, 2010

Request: Virginia will report and use for federal reporting and accountability a federal graduation indicator using the prescribed calculation that does not permit cohorts to be adjusted to account for students' English language learner or disability status, and only includes Virginia's standard and advanced studies diplomas in the numerator. Consistent with the regulations, Virginia's federal graduation indicator is an adjusted cohort graduation rate 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. Because the complete data on student graduation and completion, including summer graduates, are not available until after adequate yearly progress (AYP) determinations are made each year, Virginia will calculate AYP based on the previous year's data. This will permit the calculations to be available in time to make AYP determinations before the beginning of the school year.

Virginia will report four-, five-, and six-year federal graduation indicators for the state, schools, and school divisions as they become available. Six-year adjusted graduation indicators will be available in the fall of 2010, and first applied to AYP determinations made in the summer of 2011. Virginia will report the federal graduation indicator 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 graduation indicator for purposes of making AYP determinations beginning in the summer of 2010. Virginia requests that the following be approved for making AYP determinations:

- Statewide goal: 80 percent of students graduate with a regular diploma in four, or 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 adjusted four-year federal 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. Averaging will be applied to the four-year, five-year, and six-year rates when more than one year of graduation data is available.

For purposes of calculating AYP for the Limited English Proficient (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. 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.

Rationale:

VDOE has been notified that USED will 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 the approach described herein complies with the federal regulations and accompanying nonregulatory guidance provided by USED. Virginia's overall approach is similar to Michigan's approved model. Michigan, like Virginia, included extended-year graduation rates and their targets for

continuous and substantial improvement are similar to those proposed.¹ Virginia's 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.

¹ Approval status available from U.S. Department of Education's Working Document as of May 25, 2010. Retrieved June 7, 2010 from: <http://www2.ed.gov/admins/lead/account/stateplans03/gradratechart51810.pdf>.