



**For Immediate Release:** June 1, 2012

**Contact:** Charles B. Pyle, Director of Communications, (804) 371-2420  
Julie C. Grimes, Communications Manager, (804) 225-2775

## **Board of Education Submits Revised NCLB Waiver Application** *Resubmission Responds to US Department of Education Review*

The Virginia Board of Education last night submitted a revised application to the United States Department of Education (USED) for a waiver from provisions of the federal No Child Left Behind Act of 2001 (NCLB). The revisions address issues raised by USED during its review of the commonwealth's original NCLB waiver application, which was approved by the state board on February 23, 2012, and submitted to USED on February 27.

In the revised application, approved at the May 24 meeting, the board agrees to establish annual benchmarks for increasing overall student achievement and the achievement of students in subgroups. Annual benchmarks would be set with the goal of reducing the failure rate in reading and mathematics by 50 percent within six years.

Low-performing Title I schools, identified as "Priority" and "Focus" schools, would be subject to school-improvement interventions based on the performance of students in three "proficiency gap groups" comprising students who historically have had difficulty meeting the commonwealth's achievement standards. Revisions made in response to federal concerns would result in the inclusion of some black and Hispanic students in two proficiency gap groups:

- Proficiency Gap Group 1 — Students with disabilities, English language learners (ELL) and economically disadvantaged students, regardless of race and ethnicity
- Proficiency Gap Group 2 — African-American students, not of Hispanic origin, including those also counted in Proficiency Gap Group 1
- Proficiency Gap Group 3 — Hispanic students, of one or more races, including those also counted in Proficiency Gap Group 1

Priority schools would be required to hire a state-approved turnaround partner to help implement a school-improvement model that meets state and federal requirements. Focus schools would have to employ a state-approved coach who would work with a division-appointed team to develop, implement and monitor intervention strategies to improve the performance of students at risk of not meeting achievement standards or dropping out of school. Priority and Focus schools, however, would not be subject to current NCLB "improvement" sanctions, such as having to provide public school choice or private tutoring.

"Since NCLB was signed into law ten years ago, we have learned that the parents of most students eligible for school choice don't apply for transfers and that supplemental educational services have had little impact on achievement," Superintendent of Public Instruction Patricia I. Wright said. "Under the accountability plan submitted today, divisions would have the flexibility to target their Title I funds toward measures and strategies that have been shown over time to be effective in raising student achievement."

All public schools — including schools that do not receive Title I funds under the law — would have to implement improvement plans to raise the achievement of student subgroups not meeting the annual benchmarks.

*(more)*

If approved by federal Secretary of Education Arne Duncan, Virginia schools and school divisions would no longer have to meet increasingly unrealistic annual yearly progress (AYP) benchmarks in reading and mathematics or the law's mandate that all students achieve grade-level proficiency by 2014.

"A waiver is a welcome but short-term solution," said Board of Education President David M. Foster. "Ultimately, the board looks forward to a rewrite of the federal law and the pruning back of intrusive and unwarranted federal requirements."

Currently, Virginia schools receive two annual accountability ratings: a state accreditation rating and a federal AYP rating under NCLB. School divisions also receive an AYP rating.

Under the system outlined in the board's waiver application, schools would continue to receive — as they have since 1999 under Virginia's Standards of Learning (SOL) program — annual state accreditation ratings in September based on overall achievement in English, mathematics, science and history and high school graduation and completion. Information on schools meeting and not meeting annual benchmarks for raising achievement and narrowing proficiency gaps would be reported separately in August, along with Title I schools identified as Priority and Focus schools.

Another revision to the waiver application requires school divisions to implement performance and evaluation standards for teachers and principals approved last year by the Board of Education. Under the standards, 40 percent of a teacher's or principal's evaluation must be based on student academic progress.

In its revised application, the Board of Education continues to request approval of the waiver in time for the calculation of accountability ratings for 2012-2013.

# # #