

Board of Education Agenda Item

Item: I.

Date: January 15, 2008

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

Presenter: Mrs. Shelley Loving-Ryder, Assistant Superintendent for Student Assessment and School Improvement

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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: _____

Action: _____

Background Information:

The *No Child Left Behind Act of 2001* (NCLB), which is a reauthorization of the Elementary and Secondary Education Act (ESEA), requires all state educational agencies (SEA) to submit for approval to the United States Department of Education (USED) individual program applications or a consolidated state application. In 2002 the Virginia Board of Education submitted and received USED approval for its initial Consolidated State Application under NCLB. A major component of the consolidated application is Virginia's Consolidated State Application Accountability Workbook. The workbook describes a single statewide accountability system for the Commonwealth. Virginia received USED approval for its accountability workbook in June 2003. Additional amendments have been made to Virginia's workbook each year since then. The policies and procedures that were used to determine Adequate Yearly Progress (AYP) ratings for the 2008-2009 school year based on 2007-2008 assessment results are described in the most recent amended workbook dated June 24, 2008.

The USED has advised states that if they wish to revise their Accountability Workbooks for 2008-2009, proposed amendments must be submitted by January 15, 2009. The USED noted that only essential amendments will be considered at this time because a full peer review of each state's Accountability Workbook will be conducted in summer and fall 2009 as required by the Title I regulations issued in October 2008.

If states wish to exercise transition flexibility associated with the implementation of alternate assessments based on modified academic achievement standards, they must apply for the flexibility in the form of an amendment to the state's Accountability Workbook. In the past, Virginia has applied for and received permission to exercise Transition Flexibility Option 1, which permits states to make a mathematical adjustment to the proficiency rate of the students with disabilities subgroup scores only for schools and divisions that did not make AYP based solely on that subgroup. The resulting proxy is the equivalent to 2.0 percent of all students assessed and is added to the percentage of students with disabilities who are proficient and advanced. As a result, consideration of the additional proposed amendment for submission to USED is requested.

Summary of Major Elements

The Transition Flexibility Option 1 is the only amendment being proposed to Virginia's Consolidated State Application Accountability Plan at this time.

Superintendent's Recommendation:

The Superintendent of Public Instruction recommends that the Board of Education waive first review and approve the proposed amendment to the Virginia Consolidated State Application Accountability Plan as permitted in the federal law.

Impact on Resources:

The provisions of the *No Child Left Behind Act of 2001* 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 as well as to collect and report additional data on English language proficiency for LEP students. These requirements will continue to have an impact on the agency's resources.

Timetable for Further Review/Action:

Following final approval, the proposed revision will be submitted to the United States Department of Education as an amendment to Virginia's Consolidated State Application Accountability Workbook by the deadline of January 15, 2009.

**Proposed Amendment to Virginia's Consolidated State Application
Accountability Plan as Required by the *No Child Left Behind Act of 2001*
(NCLB)**

January 15, 2009

<i>Assessing Students with Disabilities – Use of Two Percent Proxy (Critical Element 5.3)</i>
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Request: Virginia will continue to implement the United State's Secretary of Education's Transition Option Number 1 (2 percent proxy) for the inclusion of students with disabilities in the calculation of Adequate Yearly Progress (AYP) for the 2009-2010 school year, based on assessments administered to those students during the 2008-2009 school year. Option Number 1 permits states to make a mathematical adjustment to the proficiency rate for the students with disabilities subgroup in schools or divisions that failed to make AYP based solely on the scores of students in that subgroup. The proxy will be calculated in accordance with guidance disseminated by USED on May 10, 2005.

Rationale: The U.S. Secretary of Education has extended the use of a proxy for students with disabilities for states that are working toward developing modified achievement standards if certain eligibility conditions are met. Virginia meets the eligibility requirements as follows: 1) the statewide assessment participation rate for students with disabilities for the purpose of measuring AYP is 95 percent; 2) Virginia is in compliance with the Individuals with Disabilities Education Act (IDEA); 3) appropriate accommodations on statewide assessments are available for students with disabilities; 4) targeted and successful statewide technical assistance efforts are being implemented to improve students' achievement for students with disabilities; 5) Virginia's assessment system has received a rating of "Approval with Recommendations"; and 6) Virginia is making substantial progress in developing an alternate assessment based on modified achievement standards. Therefore, Virginia is requesting a continuation of the use of the proxy for certain students with disabilities under this extension.