

**ESEA FLEXIBILITY
Amendment Submission for Virginia**

Dear Assistant Secretary:

I am writing on behalf of the Virginia Department of Education to request approval to amend the state’s approved ESEA flexibility request. The relevant information, outlined in the *ESEA Flexibility Amendment Submission Process* document, is provided in the table below.

Flexibility Element(s) Affected by the Amendment	Brief Description of Element as Originally Approved	Brief Description of Requested Amendment	Rationale	Process for Consulting with Stakeholders, Summary of Comments, and Changes Made as a Result
2.B – Set Ambitious but Achievable Annual Measurable Objectives (AMOs)	See pages 61-65. Beginning in the 2013-2014 accountability year (2012-2013 assessments), all subgroups in a schools are expected to meet or exceed the AMO passing rate target or their previous year's passing rate, whichever is higher, up to 90 percent. Schools with a subgroup not meeting this “higher expectation” requirement receive a status determination of <i>Did Not Meet All</i>	The higher expectation requirement will be used as an incentive for continuous improvement rather than a punitive measure. Schools with all subgroups meeting the AMOs by one of the three methods described on pages 61-65, but with one or more subgroups not meeting the higher expectation requirement, will receive a status of <i>Met All Federal AMOs</i> . A school with all subgroups meeting the AMOs	The higher expectations were established in an effort to ensure higher-performing subgroups continue to advance their achievement; however, impact data analyzed in fall of 2013 indicate that a disproportionate percentage of schools are adversely affected by one or more subgroups not meeting the higher expectations. As well, the minimum group size reduction from 50 to 30 students in the 2012-2013 assessment year further magnified the impact of the higher expectations. Fluctuations in the number of students in a subgroup from year to year created inconsistencies when comparing a high pass rate in the prior year to the current year’s achievement of a different cohort of students. Hence, the	As described in the “Consultation” section of the state’s amended application (pages 13-14), the state began consulting with stakeholders about the proposed AMO methodology change beginning in October 2013. The state shared information on the change and solicited comments using the following methods: NCLB Committee of Practitioners meeting; open meetings of the Board of Education Committee on School and Division Accountability and the full Board of Education; and e-mail communication to the field. Comments from the field on the proposed change were generally favorable and are included in Attachment 2 of the amended application.

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless such collection displays a valid OMB control number. The valid OMB control number for this information collection is 1810-0581.

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	<i>Federal AMOs – MHE (did not Meet Higher Expectations.)</i>	by one of the three methods described on pages 61-65, and <i>also</i> meeting the higher expectation requirement, will receive a status of <i>Met All Federal AMOs and Higher Expectations.</i>	Board’s policy, which has been coined the “no backsliding” policy, created unintended consequences during 2012-2013 that must be addressed to avoid unfairly labeling schools as not meeting federal AMOs in the fall of 2014-2015, based on assessments administered in 2013-2014.	
3.B – Ensure Local Educational Agencies Implement Teacher and Principal Evaluation Systems	See pages 147-152. Virginia collects: 1) through the Teacher and Principal Evaluation Collection Survey (TPEC Survey), information and certifications from all school divisions on their implementation of the Board’s <i>Guidelines for Uniform Performance Standards and Evaluation Criteria for Teachers and Principals</i> ; and 2) through the	In addition to the support and monitoring outlined in the originally-approved application, the state will: 1) collect detailed evaluation data from all priority schools; and 2) revise the protocol for Title II, Part A, federal program monitoring to include questions related to the implementation of the state’s performance standards and evaluation criteria,	Virginia’s ESEA flexibility Part B monitoring report indicated a requirement for the state to either provide evidence that it continues to collect certain evaluation data required under the State Fiscal Stabilization Fund (SFSF), or develop an alternative plan and a timeline for monitoring and evaluating implementation of local evaluation systems.	Following receipt of the final monitoring report from the U.S. Department of Education on March 13, 2014, the state shared information on the proposed additional evaluation data submission by priority schools and revision to federal program monitoring through e-mail communication to the field and in open meetings of the Board of Education Committee on School and Division Accountability and the full Board of Education. No comments were received on the proposed changes to Principle 3.

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	School Improvement Grant (SIG)-TPEC Survey, the following data from all SIG schools: 1) the number of teachers rated at each summative rating level by school; and 2) the number of principals rated at each summative rating level aggregated to the division level.	as well as questions about the use of data from evaluation systems to inform professional development and educator support efforts.		

Attached to this letter is a redlined version of Virginia’s approved ESEA flexibility request with strikeouts and additions to demonstrate how the request would change with approval of the proposed amendment. Other updates are included in the state’s redline version as part of the ESEA flexibility extension process. Please contact Veronica Tate, director, Office of Program Administration and Accountability, at veronica.tate@doe.virginia.gov or (804) 225-2869 if you have any questions regarding this proposed amendment.

Virginia acknowledges that the U.S. Department of Education may request supplementary information to inform consideration of this request.

Dr. Patricia I. Wright
Chief State School Officer

March 31, 2014
Date