



# Virginia Board of Education Agenda Item



Agenda Item: I

Date: October 25, 2012

<b>Title</b>	Final Review of Proposed Alternate Methodology for Revising Mathematics Annual Measurable Objectives (AMOs) for Accountability Years 2013-2014 through 2017-2018 Under Provisions of Virginia’s Approved NCLB Waiver from Certain Requirements of the <i>Elementary and Secondary Education Act of 1965</i> (ESEA)		
<b>Presenter</b>	Dr. Linda M. Wallinger, Assistant Superintendent, Division of Instruction		
<b>E-mail</b>	<a href="mailto:Linda.Wallinger@doe.virginia.gov">Linda.Wallinger@doe.virginia.gov</a>	<b>Phone</b>	(804) 225-2034

### Purpose of Presentation:

Action required by state or federal law or regulation.

### Previous Review or Action:

Previous review and action. Specify date and action taken below:

- February 23, 2012 – Final Board Approval of Virginia’s ESEA Flexibility Application
- May 24, 2012 – Final Board Approval of Virginia’s Revised ESEA Flexibility Application
- September 27, 2012 – First Review of Proposed Alternate Methodology for Revising Mathematics Annual Measurable Objectives for Accountability Years 2013-2014 through 2017-2018

### Action Requested:

Final review: Action requested at this meeting.

### Alignment with Board of Education Goals: Please indicate (X) all that apply:

	Goal 1: Expanded Opportunities to Learn
X	Goal 2: Accountability of Student Learning
	Goal 3: Nurturing Young Learners
X	Goal 4: Strong Literacy and Mathematics Skills
	Goal 5: Highly Qualified and Effective Teachers and Administrators
	Goal 6: Sound Policies for Student Success
	Goal 7: Safe and Secure Schools
	Other Priority or Initiative. Specify:

### Background Information and Statutory Authority:

Goal 2: The Board of Education has established policies to assist chronically low-performing schools in improving as well as to recognize schools and school divisions for the achievement of excellence goals established by the governor and Board of Education through the Virginia Index of Performance (VIP) incentive program.

Goal 4: Virginia’s ESEA flexibility provisions include annual measurable objectives (AMOs) in student performance in reading and mathematics. Strong literacy and mathematics skills are the basis for success in all subject and career areas, both in K-12 education and in postsecondary studies and careers.

The *Elementary and Secondary Education Act of 1965* (ESEA), as amended by the *No Child Left Behind Act of 2001* (NCLB), was scheduled for reauthorization by Congress in 2007. In the absence of ESEA reauthorization, U.S. Secretary of Education Arne Duncan announced in summer of 2011 that flexibility would be offered to states in the form of waivers from certain existing restrictive and punitive ESEA requirements that misidentify a disproportionate percentage of schools and divisions as underperforming.

In August 2011, Governor Robert F. McDonnell sent a letter to Secretary Duncan in which he pointed out the flaws in the federal accountability requirements and noted that “A model that increasingly misidentifies schools as low performing and confuses the public about the quality of their schools does not advance the cause of reform or accountability.”

In September 2011, the U.S. Department of Education (USED) announced that states may request flexibility from certain requirements of NCLB in exchange for rigorous and comprehensive state- developed plans designed to improve educational outcomes for all students, close achievement gaps, increase equity, and improve the quality of instruction. In a letter to state chief school officers, Secretary Duncan stated that many ESEA requirements have unintentionally become barriers to state and local forward-looking educational reform efforts not anticipated when the original legislation was amended in 2001.

To receive NCLB waivers, states must submit for approval to USED applications that agree to specific requirements prescribed in the ESEA flexibility application. At its meeting on September 22, 2011, the Board accepted a report on the process to request flexibility from certain NCLB requirements and authorized the Department of Education to begin gathering stakeholder input on a new federal accountability plan. As part of the process of preparing a flexibility application, the Board solicited input from numerous stakeholder groups.

On January 12, 2012, the Board of Education accepted for first review a proposed ESEA flexibility application and approved the application with additional amendments at its meeting on February 23, 2012. The Department of Education worked with the Board of Education and stakeholders to prepare an ESEA flexibility application that more closely aligned ESEA flexibility requirements and the Standards of Accreditation accountability system.

On April 17, 2012, Virginia received a letter from USED sharing feedback about the state’s ESEA flexibility application and asking for additional information on particular areas of Virginia’s application. In response, Virginia submitted technical and clarifying responses to USED. For *Principle 2--Accountability*, Virginia engaged in ongoing discussion with USED to gain clarity on the federal requirements for accountability under the ESEA flexibility provisions.

USED requested that Virginia “Provide AMO targets that increase over time and are similarly rigorous to Options A or B, as outlined in ESEA flexibility. (*See 2.B*)” These options are

included in Attachment A. In response to USED's request, Virginia agreed to establish AMO targets for all students, proficiency gap groups, and other subgroups recognized in the Virginia Accountability Workbook that increase over time and reduce the proficiency gap using a modification of the approach described in Option A of the ESEA flexibility guidelines. The methodology for setting AMO starting pass rate targets was based on the methodology required in Section 1111 of the *NCLB Act of 2001*.

Based on the feedback from USED, draft proposed revisions to *Principle 2* were submitted for USED review in early May. The response from USED indicated that Virginia had satisfied the ESEA flexibility requirements for establishing AMOs and accounting for subgroup performance, and the state should proceed with submitting the complete application with revisions as proposed.

On May 24, 2012, the Virginia Board of Education approved Virginia's revised ESEA application for flexibility from certain requirements of NCLB. On June 29, 2012, [Virginia's ESEA flexibility application](#) was approved by the U.S. Department of Education (USED). In *Principle 2, Section 2.B*, of the application, as allowable under the ESEA flexibility agreement, Virginia outlined a methodology for establishing new AMOs beginning with accountability year 2012-2013, based on 2011-2012 assessment results.

On August 24, 2012, Superintendent of Public Instruction Patricia Wright participated in a conference call with federal Assistant Secretary of Education Deborah Delisle regarding the mathematics subgroup AMOs that were derived based on the methodology proposed by Virginia and approved by USED. Superintendent Wright agreed to analyze the AMOs further and work with USED and the Board of Education on strategies for aligning the AMOs with the goals set forth in the ESEA flexibility application.

On August 27, 2012, USED staff followed up with Virginia Department of Education staff regarding the state's AMOs for mathematics. On August 28, 2012, an additional phone conversation took place with the federal Assistant Secretary to discuss acceptable alternate methodologies for revising the subgroup AMOs.

In an August 29, 2012, letter to Superintendent Wright, USED praised Virginia for implementing new and more rigorous college- and career-ready mathematics assessments and acknowledged that it had approved Virginia's revised AMO methodology, but at the time, assessment data in mathematics were not available. The letter, which is included in Attachment B, stated that once the methodology was applied to the data, the resulting AMOs were not sufficiently ambitious to close the achievement gap in half for each subgroup within six years, and therefore did not meet the requirements of the ESEA flexibility, which require that subgroups that are farther behind demonstrate greater academic gains over time.

USED did not withdraw approval of Virginia's flexibility request, but instead stated the intention to collaborate with Virginia to reconsider the methodology for calculating individual subgroup AMOs to achieve the desired outcome.

**Summary of Important Issues:**

In response to USED's request to submit an alternate methodology and revised student subgroup AMOs, on September 27, 2012, the Superintendent of Public Instruction proposed to the Board of Education an alternate methodology for establishing AMOs in mathematics for the three proficiency gap groups and other individual student subgroups for accountability years 2013-2014 through 2017-2018 that will meet ESEA flexibility requirements.

The proposed revised methodology maintained the AMOs for the all students subgroup as the point of comparison for other subgroups and proficiency gap groups. It used as starting points for each subgroup and proficiency gap group the federal accountability determinations for the 2012-2013 accountability year based on 2011-2012 assessments, as they resulted from the methodology approved by USED on June 29, 2012. For the subsequent five years, interim AMOs or progress measures would be recalculated for every student subgroup, such that by the 2017-2018 accountability year (2016-2017 assessment year) the minimum required pass rate would be 73 percent, the same as the Year 6 AMO for the all students subgroup. Every school would be expected to meet each year's AMOs--or the prior year's pass rate, whichever was higher, up to 90 percent, for all students and every student subgroup.

Following the Board meeting on September 27, 2012, the Virginia Department of Education solicited feedback on the proposed revised methodology from the Committee of Practitioners, the Superintendent's Leadership Advisory Council, and other education stakeholder groups. Numerous concerns were expressed regarding the potential unintended consequences related to the provision for schools to meet the AMOs or the previous year's pass rate, whichever was higher. A school might achieve a pass rate for one or more subgroups that was substantially higher than the AMO, yet fail to meet federal accountability requirements because that pass rate was not as high as the pass rate of the previous year.

The revised proposed methodology has been amended that would allow a school to meet federal accountability requirements through an additional safe harbor provision. Federal requirements may be met if the passing rate exceeds the AMO target and falls within 5 percent of the previous year's passing rate. This provision could not be used for more than two consecutive years.

Attachment C describes the Superintendent's proposed revised alternate methodology for revising student subgroup Annual Measurable Objectives (AMOs). The same methodology would be used to recalculate reading AMOs through accountability years 2017-2018 based on new and more rigorous reading assessments to be administered for the first time in 2012-2013.

**Impact on Fiscal and Human Resources:**

Approval of Virginia's ESEA flexibility application in June 2012 has required the Virginia Department of Education and school divisions to make significant revisions in accountability reporting systems. School divisions are in the process of negotiating contracts with external lead turnaround partners and instructional coaches for teachers and principals, based on preliminary federal accountability ratings determined using the Year 1 AMOs. Loss of Virginia's NCLB waiver would have a significant financial and human resource impact on the Department of Education and school divisions.

**Timetable for Further Review/Action:**

Upon adoption of the proposed revised methodology to calculate the AMOs, it will be submitted to the U.S. Department of Education for review and approval.

**Superintendent's Recommendations:**

The Superintendent of Public Instruction recommends that the Board of Education adopt the attached proposed revised alternate methodology for revising Annual Measurable Objectives (AMOs) in mathematics for every student subgroup, including the three proficiency gap groups, for accountability years 2013-2014 through 2017-2018 based on new and more rigorous mathematics assessments administered for the first time in 2011-2012. The same methodology would be used in 2012-2013 to recalculate reading AMOs through accountability years 2017-2018 based on new and more rigorous reading assessments to be administered for the first time in 2012-2013.

## 2.B SET AMBITIOUS BUT ACHIEVABLE ANNUAL MEASURABLE OBJECTIVES

Select the method the SEA will use to set new ambitious but achievable annual measurable objectives (AMOs) in at least reading/language arts and mathematics for the State and all LEAs, schools, and subgroups that provide meaningful goals and are used to guide support and improvement efforts. If the SEA sets AMOs that differ by LEA, school, or subgroup, the AMOs for LEAs, schools, or subgroups that are further behind must require greater rates of annual progress.

<b>Option A</b>	<b>Option B</b>	<b>Option C</b>
<input type="checkbox"/> Set AMOs in annual equal increments toward a goal of reducing by half the percentage of students in the “all students” group and in each subgroup who are not proficient within six years. The SEA must use current proficiency rates based on assessments administered in the 2010–2011 school year as the starting point for setting its AMOs.  i. Provide the new AMOs and an explanation of the method used to set these AMOs.	<input type="checkbox"/> Set AMOs that increase in annual equal increments and result in 100 percent of students achieving proficiency no later than the end of the 2019–2020 school year. The SEA must use the average statewide proficiency based on assessments administered in the 2010–2011 school year as the starting point for setting its AMOs.  i. Provide the new AMOs and an explanation of the method used to set these AMOs.	<input checked="" type="checkbox"/> Use another method that is educationally sound and results in ambitious but achievable AMOs for all LEAs, schools, and subgroups.  i. Provide the new AMOs and an explanation of the method used to set these AMOs. ii. Provide an educationally sound rationale for the pattern of academic progress reflected in the new AMOs in the text box below. iii. Provide a link to the State’s report card or attach a copy of the average statewide proficiency based on assessments administered in the 2010–2011 school year in reading/language arts and mathematics for the “all students” group and all subgroups. (Attachment 8)

### Revised Annual Measurable Objectives

Under Virginia’s revised ESEA accountability system: 1) Annual Measurable Objectives (AMOs) that require a 95 participation rate and academic progress over time in reading and mathematics will be established for all students, three proficiency gap groups, and individual subgroup; and 2) schools with a graduating class will be expected to meet the Federal Graduation



## UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

THE ASSISTANT SECRETARY

**AUG 29 2012**

The Honorable Patricia I. Wright  
 Superintendent of Public Instruction  
 Virginia Department of Education  
 P.O. Box 2120  
 Richmond, Virginia 23218

Dear Superintendent Wright:

This letter serves as a follow up to the conversations that my staff and I have had with you and your staff over the past few weeks regarding the annual measurable objectives (AMOs) that the Virginia Department of Education (VDOE) set under its approved Elementary and Secondary Education Act (ESEA) flexibility request. First, let me begin by applauding Virginia's hard work and commitment to implementing college- and career-ready standards for all students. By implementing more rigorous assessments in mathematics and reading beginning in the 2011-2012 and 2012-2013, respectively, and resetting AMOs based on those assessments, Virginia is taking meaningful steps to ensure that the State, local educational agencies (LEA) and schools are accountable for helping them reach those standards.

As you are aware, ESEA flexibility permits a State educational agency (SEA) to set new ambitious but achievable AMOs that provide meaningful goals and are used to guide support and improvement efforts. Under ESEA flexibility, an SEA may set AMOs that differ by local educational agency (LEA), school, or subgroup, as long as the AMOs require LEAs, schools, and subgroups that are further behind to make greater rates of progress.

When the U.S. Department of Education (Department) approved VDOE's request for ESEA flexibility, it approved the VDOE's methodology for setting AMOs with the understanding that, although the AMOs could not be calculated until the State finalized scores for its new, more rigorous assessments, the resulting AMOs would require greater progress for subgroups that are further behind. However, when applied to the results of the State's more rigorous mathematics assessment, VDOE's methodology resulted in AMOs that require similar rates of progress for all subgroups—both those that are further behind and those that are higher achieving. Now that the impact of the new assessment data on the AMOs is fully understood, the Department, the VDOE, and the Virginia State Board of Education (VSBE) President David M. Foster agree that Virginia's approved methodology must be revised. We appreciate Virginia's collaboration in this area and willingness to address this issue.

Based on our phone call on August 28, 2012, we understand that the VDOE has identified an alternate methodology that will result in AMOs that require subgroups that are further behind to make greater rates of progress. We further understand that the VDOE will bring that alternate methodology and revised AMOs before the VSBE at its September 27<sup>th</sup> meeting for approval.

[www.ed.gov](http://www.ed.gov)

400 MARYLAND AVE., SW, WASHINGTON, DC 20202

*The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.*

Finally, we understand that the VDOE will submit the alternate methodology and revised AMOs to the Department for its review and approval. Additionally, the Department expects Virginia to continue to monitor and report on individual subgroup performance and provide increased supports to address areas of low performance. The Department highly recommends that the VDOE provide periodic updates throughout 2012-2013 to stakeholders so that they understand the methodology and the support structures provided to students as well as the progress of the subgroups.

ESEA flexibility is intended to provide educators and State and local leaders with flexibility regarding specific requirements of No Child Left Behind in exchange for rigorous and comprehensive State-developed plans designed to improve educational outcomes for all students, close achievement gaps, increase equity, and improve the quality of instruction. Ambitious but achievable AMOs that require significant closing of achievement gaps between subgroups of students are a critical element of those plans, and the steps the VDOE will take to revise its AMOs clearly reflect its commitment to put into place a system intended to improve the performance of all students and close achievement gaps.

Again, please be assured that we will continue to collaborate with you and your staff. We appreciate being able to work together toward achieving the common goal of preparing all students for success in college and a career, and we look forward to continuing this collaborative relationship with you and all States moving forward. Thank you for your continued commitment to improving educational outcomes for all children in Virginia.

Sincerely,



Deborah S. Delisle



**Revised Proposed Amendment to Virginia's NCLB Flexibility Plan  
Approved by U.S. Department of Education (USED) on June 29, 2012**

### **Background and Description of Amendment**

The Virginia Board of Education will consider an alternate methodology for establishing student subgroup Annual Measurable Objectives (AMOs) for accountability years 2013-2014 through 2017-2018 based on new and more rigorous mathematics assessments administered for the first time in 2011-2012. The same methodology will be used to recalculate reading AMOs through accountability years 2017-2018 based on new and more rigorous reading assessments to be administered for the first time in 2012-2013.

Revised Annual Measurable Objectives (AMOs) will be calculated for every student subgroup, such that by the 2017-2018 accountability year (2016-2017 assessment year) the minimum required pass rate will be the same as the Year 6 AMO for the all students subgroup. AMOs in the intermediate years will serve as academic progress measures.

The revised methodology will continue to address USED's flexibility application requirement of cutting in half within six years the failure rate of the all students group and every student subgroup at a school with greater gains required of lower performing subgroups. Schools with pass rates higher than the AMOs for one or more subgroups will be required to maintain or improve those pass rates annually to ensure all subgroups in every school make continuous progress.

The starting points (Year 1 AMOs) used to determine the federal accountability determinations for the 2012-2013 accountability year based on 2011-2012 assessments will remain as calculated using methodology approved by USED on June 29, 2012.

To establish starting points under Virginia's NCLB flexibility plan, all schools in the state were rank ordered based on the percent of students that passed the assessment. Then, the number of students with an assessment record in each school was recorded. The pass rate of the school at the 20th percentile of total number of students with assessment records for the state represents the starting point (Year 1 AMO) for calculating the AMOs. (This procedure for calculating a starting point is consistent with the methodology in the NCLB Act of 2001.) This process is repeated to establish the starting point (Year 1 AMO) for each of the student subgroups, including the three Proficiency Gap Groups.

The AMOs for the all students group will remain as calculated using methodology approved by USED on June 29, 2012. The difference in the pass rate for the school at the 20<sup>th</sup> percentile and the school at the 90<sup>th</sup> percentile is calculated and then divided in half to determine the percentage points by which the failure rate must be reduced. This percentage point difference is then divided by six to determine the needed annual increases in the pass rates so that the required reduction in the failure rate may be met.

The above process is used to establish the ending point (Year 6 AMO) and the intermediate AMOs (Years 2-5) for the all students group with the goal of reducing by half the proficiency gap between the highest and lowest performing schools within six years.

The intermediate AMOs (Years 2-5) for each subgroup will be revised so that the ending AMO (Year 6) is the same as the ending AMO established for the all students group and the intermediate AMOs are in equal increments. This revised methodology establishes intermediate subgroup passing rates (AMOs) that converge to the same passing rate (AMO) in Year 6 and, thereby, creates higher growth expectations for lower performing subgroups.

This same process will be used to revise the Reading AMOs based on the new, more rigorous SOL assessments to be administered in 2012-2013.

### **Revised Annual Measurable Objectives (AMOs) for Accountability Years 2013-2014 through 2017-2018 Based on New Mathematics Assessments Administered for the First Time in 2011-2012**

Beginning in the 2013-2014 accountability year (2012-2013 assessment year), the state and every school and division must meet or exceed a minimum pass rate on state mathematics assessments for every student subgroup. Academic progress measures known as Annual Measurable Objectives (AMOs) will be calculated for every student subgroup, such that by the 2017-2018 accountability year (2016-2017 assessment year) the minimum required pass rate will be the same as the minimum pass rate for the all students subgroup calculated using the methodology approved by the U.S. Department of Education on June 29, 2012.

AMOs are calculated in equal increments beginning with each group's starting AMO unless the subgroup's starting pass rate exceeds the Year 6 AMO for the all students group. These schools must make continuous progress in the student subgroup's pass rates.

Every school is expected to meet the following pass rates--academic progress measures known as Annual Measurable Objectives (AMOs)--or the prior year's pass rate, **whichever is higher**, up to 90 percent, for all students and every student subgroup.

Safe harbor and other flexibility provisions remain in effect that are permitted in the NCLB Act and included in Virginia's NCLB Flexibility Plan. An additional safe harbor provision is included for schools that exceed the AMOs, but fall short of the previous year's passing rate. A school may meet subject-area federal accountability requirements as defined below.

Mathematics:

- Beginning in the 2013-2014 accountability year (2012-2013 assessments), all 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.

Safe Harbor:

- Federal requirements may be met if the failure rate is reduced by 10 percent or greater.
- Federal requirements may be met if the passing rate exceeds the AMO target and falls within 5 percent of the previous year's passing rate. This provision may not be used for more than two consecutive years.

Reading:

AMO targets for the 2013-2014 accountability year will be recalculated based on the new 2012-2013 reading assessments.

- Beginning in the 2013-2014 accountability year (2012-2013 assessments), all schools are expected to meet or exceed the AMO passing rate target.
- Beginning in the 2014-2015 accountability year (2013-2014 assessments), all 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.

Safe Harbor:

- Federal requirements may be met if the failure rate is reduced by 10 percent or greater.
- Beginning in the 2014-2015 accountability year (2013-2014 assessments), federal requirements may be met if the passing rate exceeds the AMO target and falls within 5 percent of the previous year's passing rate. This provision may not be used for more than two consecutive years.

Mathematics Annual Measurable Objectives (AMOs) Based on Proposed Alternate Methodology								
Mathematics Annual Measurable Objectives (AMOs)*								
	Year 1 AMO (Starting Pass Rate)	Year 2 AMO	Year 3 AMO	Year 4 AMO	Year 5 AMO	Year 6 AMO	Gap Points Closed	
Accountability Year	2012-2013	2013-2014	2014-2015	2015-2016	2016-2017	2017-2018		
Assessment Year	2011-2012	2012-2013	2013-2014	2014-2015	2015-2016	2016-2017		
All Students	61	64	66	68	70	73	12	
Gap Group 1 (Combined)	47	52	57	63	68	73	26	
Gap Group 2 (Black)	45	51	56	62	67		28	
Gap Group 3 (Hispanic)	52	56	60	65	69		21	
Students with Disabilities	33	41	49	57	65		40	
English Language Learners	39	46	53	59	66		34	
Economically Disadvantaged	47	52	57	63	68		26	
White	68	69	70	71	72		5	
Asian	82	Continuous progress towards reducing proficiency gap within subgroup by half						
<p>*Every school is expected to meet the following pass rates--academic progress measures known as Annual Measurable Objectives (AMOs)--or the prior year's pass rate, <b>whichever is higher</b>, up to 90 percent, for all students and every student subgroup.</p> <p>Safe harbor and other flexibility provisions remain in effect that are permitted in the NCLB Act and included in Virginia's NCLB Flexibility Plan. An additional safe harbor provision is included for schools that exceed the AMOs, but fall short of the previous year's passing rate.</p> <ul style="list-style-type: none"> <li>• Federal requirements may be met if the failure rate is reduced by 10 percent or greater.</li> <li>• Federal requirements may be met if the passing rate exceeds the AMO target and falls within 5 percent of the previous year's passing rate. This provision may not be used for more than two consecutive years.</li> </ul>								