# Superintendent’s Memo #019-19


**COMMONWEALTH of VIRGINIA
Department of Education**

DATE: January 17, 2019

TO: Division Superintendents

FROM: James F. Lane, Superintendent of Public Instruction

## SUBJECT: Opportunity to Comment on an Amendment to Virginia’s *Every Student Succeeds Act of 2015* (ESSA) State Plan

The Virginia Department of Education is seeking input on an amendment to its [ESSA State Plan](http://www.doe.virginia.gov/federal_programs/esea/essa/essa-state-plan.pdf). The Title I, Part A, section of the consolidated plan requires a description of how the state will address disproportionate rates of access to ineffective, out-of-field, or inexperienced educators in Title I schools. In its original submission to USED in September 2017, Virginia’s description included the definitions below for out-of-field and inexperienced teachers, as well as state level data from Virginia’s [*Equitable Access to Excellent Educators Teacher Equity Plan*](https://www2.ed.gov/programs/titleiparta/equitable/va.html).

*An out-of-field teacher is defined as a licensed teacher who is assigned to teach a class outside of the teacher’s endorsement area.*

*An inexperienced teacher is defined as a teacher in his or her first year of teaching*.

Virginia’s description did not include a definition for ineffective teacher. Following USED action to rescind guidance on consolidated state plans in early 2017, Virginia believed that this definition was optional. Virginia’s plan explained that teacher effectiveness is determined by school divisions, in large part through the implementation of evaluation criteria outlined in the [*Guidelines for Uniform Performance Standards and Evaluation Criteria for Teachers*](http://www.doe.virginia.gov/teaching/performance_evaluation/teacher/index.shtml), and that school divisions utilize performance standards to establish evaluation procedures that inform personnel decisions according to local school board policies. These data are not currently collected at the state level.

During the state plan review and negotiation process, USED required Virginia to include in the plan an assurance that the Department would develop an ineffective teacher definition and would report data based on the definition by September 15, 2019. In response to this requirement, the assurance below was added to Virginia’s plan:

*Beginning in the spring of 2018, Virginia will develop guidelines and collection methods for teacher effectiveness data. The Virginia Department of Education will collect and report aggregate school-level data on teacher effectiveness by September 15, 2019.*

The [approval letter from USED](https://www2.ed.gov/admins/lead/account/stateplan17/vaapprovalstateplanltr518.html) received in May 2018 included the requirement to amend the state plan no later than September 15, 2019.Following receipt of the approval letter, previous stakeholder feedback on the ineffective teacher definition was revisited with several stakeholder groups. As a result of discussions with stakeholders and within the Department, the definition below will be recommended for first review during the Board of Education Business Meeting on Thursday, January 24, 2019.

*An ineffective teacher is defined as a teacher who is both out-of-field and inexperienced*.

If approved by the Board, the consolidated state plan will be amended to include this definition and will be submitted to USED for review and approval. It should be noted that this definition is recommended only to meet the federal reporting requirement. Potential revisions to the [*Guidelines for Uniform Performance Standards and Evaluation Criteria for Teachers*](http://www.doe.virginia.gov/teaching/performance_evaluation/teacher/index.shtml) and existing state definitions, such as the Code of Virginia Section [22.1-307](https://law.lis.virginia.gov/vacode/title22.1/chapter15/section22.1-307/) definition of incompetency, would not be impacted by the definition of ineffective teacher under ESSA.

The Department welcomes comments on this amendment. Comments may be submitted electronically by Friday, March 22, 2019, to ESSA@doe.virginia.gov. Comments may also be presented in person during the Board of Education Business Meetings on Thursday, January 24, 2019, and on Thursday, March 21, 2019. The meetings will convene at 9:00 a.m. in the Jefferson Conference Room, 22nd floor, James Monroe Building, 101 N. 14th Street, Richmond, Virginia. Speakers intending to present comment are encouraged to contact Sonya Broady, Secretary, Office of Board Relations, at sonya.broady@doe.virginia.gov to be placed on the speaker list.

Questions regarding Virginia’s ESSA State Plan may be submitted to ESSA@doe.virginia.gov.

JFL/ls

### **Links:**

* [*Every Student Succeeds Act of 2015* (ESSA)](https://legcounsel.house.gov/Comps/Elementary%20And%20Secondary%20Education%20Act%20Of%201965.pdf)
* [Virginia’s ESSA State Plan](http://www.doe.virginia.gov/federal_programs/esea/essa/essa-state-plan.pdf)
* [Virginia’s](https://www2.ed.gov/programs/titleiparta/equitable/va.html) *[Equitable Access to Excellent Educators Teacher Equity Plan](https://www2.ed.gov/programs/titleiparta/equitable/va.html)*
* [ESSA State Plan Approval Letter from the U.S. Department of Education](https://www2.ed.gov/admins/lead/account/stateplan17/vaapprovalstateplanltr518.html)
* [*Guidelines for Uniform Performance Standards and Evaluation Criteria for Teachers*](http://www.doe.virginia.gov/teaching/performance_evaluation/teacher/index.shtml)
* [Code of Virginia Section 22.1-307](https://law.lis.virginia.gov/vacode/title22.1/chapter15/section22.1-307/)