



VIRGINIA BOARD OF EDUCATION

AGENDA ITEM

Agenda Item: G

Date: November 17, 2022

Title: Final Review of James Blair Middle School Accreditation Indicator Appeal

Presenter: Amy Siepka, Director of Accountability

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Purpose of Presentation:
Action required by state or federal law or regulation.

Executive Summary:
A local school board may appeal a performance level designation for a state accreditation indicator, as described in [8VAC20-131-380 F. 6](#) of the *Regulations Establishing Standards for Accrediting Public Schools in Virginia* (SOA). The specific language from the SOA is as follows:

The board shall provide a process for a local school board to appeal the performance level designation for a specific school quality indicator for any school in the division. The board shall grant such appeals only in limited circumstances that warrant special consideration in designating performance levels. In order to appeal such designation the local school board shall submit a request to the board, signed by the chairman of the school board and the school superintendent, explaining why the school board is appealing the designation and shall include documentation supporting the request to change the performance level designation.

The intent of this provision in the SOA is to provide potential relief to schools that have experienced a significant event impacting performance on an indicator. Such circumstances should be unusual and appeals based on this section of the SOA should be rare.

Williamsburg-James City County (WJCC) Public Schools has presented an appeal for James Blair Middle School. Their appeals form (Attachment A) indicates an appeal to the Level Three

performance level given to the *students with disabilities* (SWD) group within the *Achievement Gap-Mathematics* indicator. If approved, the performance level change for the SWD group would result in the overall performance level for the *Achievement Gap-Mathematics* indicator to change from a Level Three to a Level Two. However, the change to the overall indicator would not result in a different accreditation status for the school. James Blair Middle School also has a Level Three rating in the *Achievement Gap-English* indicator and its status would remain *Accredited with Conditions*.

On September 13, 2022, an internal Virginia Department of Education (VDOE) committee met to discuss the basis for the appeal. The committee members were representatives of various VDOE offices and consisted of the Directors from the Offices of Accountability; Test Development; Research; Data Services; Student Services; School Quality; Instructional Services; and the Assistant Superintendent of Student Assessment, Accountability, and ESEA Programs. Based on their review of the information provided by the school division, the committee unanimously recommended that the Virginia Board of Education (Board) not approve the appeal.

A summary of the committee's review of the appeal is provided below.

One way to earn a Level Two performance level for the achievement indicators is to have a pass rate greater than or equal to 50% but less than or equal to 65%, and to reduce the failure rate by at least 10% from the previous year (R10). WJCC's first justification in their appeal is that James Blair Middle School should be able to use the prior year's pass rate to determine adequate improvement (R10) [as indicated in 8VAC20-131-380 F.1.a](#).

WJCC's Justification: Lack of opportunity for reduction from the previous year (spring 2021). Spring 2022 mathematics data shows James Blair Middle School has made significant progress in the identified SWD subgroup and had a reduction of failure rate of 19.8% for SWD in mathematics from the previous year (2021). Therefore, WJCC asked for consideration with the mathematics achievement gap indicator to compare the reduction in failure rate for SWD from spring 2021 to spring 2022 ([8VAC20-131-380](#)).

VDOE Staff Response: In July 2021, due to the pandemic, the Board [adopted special provisions](#) to [approve the use of 2018-2019 school year data \(page D\)](#) to be the "previous year" data used in accreditation year 2022-2023 for all schools in the Commonwealth. In addition, James Blair Middle School did not test 35% of its students with disabilities in 2020-2021 so the data used in their justification is not fully representative of their student group population. For reference, the VDOE did not calculate accreditation in 2020-2021 for any school. The data James Blair uses in its justification were calculated by division staff.

WJCC’s Justification: Lack of opportunity for the three-year average. James Blair Middle School has only two years of scores (spring 2019 and spring 2022) and is not afforded the same opportunity to calculate a true three-year average to meet the SOA criteria ([8VAC20-131-380](#)).

VDOE Staff Response: The three-year rate is an *option* that can be used to meet an accreditation performance level, but nothing in the SOA indicates that there *must be* a three-year rate opportunity provided. The following factors might also be considered:

- There is no precedent for allowing this flexibility.
- There are currently four other schools in the state who are in a similar situation and will not be afforded this opportunity.
- The school’s performance in the mathematics SWD group is consistent with what it was in 2018-2019 (58.62% in 2018-2019 versus 58.97% in 2022-2023). The appeals review committee felt that James Blair Middle School would benefit from the requirements outlined in [8VAC20-131-400 D](#) for schools that earned a Level Three performance level on an indicator.

During the first review of this item at the October, 20, 2022, business meeting, the Superintendent of WJCC Public Schools said that she was requesting a change in the processes and procedures for accrediting schools that do not have three years of data, and therefore do not have the option of calculating a three-year rate. She indicated that she was coming forward to respectfully ask that accreditation be waived not only for James Blair Middle School but for the other four schools that were opening in the 2018-2019 school year as well. The Superintendent of WJCC also stated that accreditation was waived in 2019-2020 for schools that were new in 2018-2019 because they did not have a previous year from which to calculate improvement.

VDOE staff response to the request to waive accreditation for schools that only have two years of data:

There is no statutory or regulatory basis that allows the Board to waive accreditation for a particular school. In addition, [8VAC20-131-370.C](#) requires each school be evaluated for accreditation:

C. Each school shall be accredited based on achievement of the conditions specified in [8VAC20-131-400](#) and on continuous improvement of performance levels on measures of selected school quality indicators as described in [8VAC 20-131-380](#).

Accreditation data informs school division staff and the community about the quality and effectiveness of schools, and is particularly important as new schools are building on their strengths and improving their programs.

VDOE staff response to the Superintendent’s recollection that several new schools had accreditation waived in 2019-2020:

James Blair Middle School was a new school in 2018-2019 and as such, when accreditation was calculated for the 2019-2020 accreditation year, there was only one year of data. WJCC staff did discuss concerns with VDOE staff about new schools being unable to benefit from the demonstration of sufficient improvement. However, WJCC did not submit an appeal to the Board. Instead, VDOE staff submitted [special provisions to the Board in September 2019](#) to specifically address all new schools who only had one year of data. The schools that were new in 2018-2019, including James Blair Middle School, did not have accreditation waived, but had special provisions applied. These special provisions provided flexibility in determining performance levels, and therefore resulted in flexibility in determination of accreditation status. The special provisions resulted in the following:

The status of *New School* (a school that comprises students who previously attended one or more existing schools) is designated for schools that are in their first year of opening. When a school has a status of *New School* during the year in which data is collected for accreditation, it will only have one year of data for which to evaluate performance. Therefore, the Board adopted special provisions such that –

- If an academic indicator is rated Level Three based on current year data and the combined rate in English or mathematics (elementary and middle schools), or the mathematics pass rate (EOC) or science pass rate (elementary, middle, and high school) is at least 50%, the indicator shall be rated a Level Two; and
- If the chronic absenteeism rate, dropout rate, or Graduation and Completion Index are rated Level Three based on current year data, the indicator shall be rated as Level Two.

VDOE staff does not believe that any other flexibility is warranted in the second accreditation year under the current model. However, this will be revisited within the context of the new model as the accountability system is revised.

Action Requested:

Final review: Action is requested at this meeting.

Superintendent’s Recommendation

The Superintendent of Public Instruction recommends that the Board of Education deny WJCC’s appeal of the performance level for the students with disabilities group in the *Achievement Gap-Mathematics* indicator for James Blair Middle School.

Rationale for Action:

The appeal submitted by Williamsburg/James City Schools for James Blair Middle School did not contain sufficient evidence to warrant a change in the performance level for students with disabilities in mathematics. Additionally, there is no statutory or regulatory basis available to the Board to grant an accreditation waiver to a school as requested by the Williamsburg/James City Superintendent in her comments to the Board in October 2022.

Previous Review or Action:

Date: October 20, 2022

Action: First Review

Background Information and Statutory Authority:

There are several regulations relevant to this Board item.

- 1) A local school board may appeal a performance level designation for a state accreditation indicator, as described in the [Regulations Establishing Standards for Accrediting Public Schools in Virginia \(SOA\)](#). The specific language from the SOA is as follows:

The board shall provide a process for a local school board to appeal the performance level designation for a specific school quality indicator for any school in the division. The board shall grant such appeals only in limited circumstances that warrant special consideration in designating performance levels. In order to appeal such designation the local school board shall submit a request to the board, signed by the chairman of the school board and the school superintendent, explaining why the school board is appealing the designation and shall include documentation supporting the request to change the performance level designation.

The intent of this provision in the SOA is to provide potential relief to schools that have experienced a significant event impacting performance on an indicator. Such circumstances should be unusual and appeals based on this section of the SOA should be rare.

- 2) [8VAC20-131-400 C and D](#) outline the requirements for schools that earn a Level Two or Level Three performance level on one or more indicators. The link to these regulations is provided as context to how the requirements differ for schools that earn a Level Two or Level Three performance rating. It should also be noted that James Blair Middle School is preliminarily identified as a federal support school (pending USED approval of Amendment 5 of the Consolidated State Plan), so they will also be receiving support under that context as well.

- 3) WJCC’s first justification in their appeal is that James Blair Middle School should be able to use the prior year’s pass rate to determine adequate improvement (R10) as indicated in [8VAC20-131-380 F](#). It states, in part, “Level Two: Schools not meeting Level One performance with a current year or three-year average rate of at least 66%, or schools with a prior year rate of at least 50% that decrease the failure rate by 10% or more from the prior year.” However, due to the pandemic, in July 2021, the Board [approved the use of 2018-2019 school year data](#) (page D) to be the “previous year” data used in accreditation year 2022-2023 for all schools in the Commonwealth. The Board was able to do so under the special provisions authorized in [8VAC20-131-380 F 3](#): “The board may adopt special provisions related to the measurement and use of a school quality indicator as prescribed by the board. The Board may also alter the inclusions and exclusions from the performance level calculations by providing adequate notice to local school boards.”
- 4) In 2018-2019 James Blair Middle School was a new school. In September 2019, as a result of a discussion with WJCC staff, [the Board was presented with and approved a request to adopt special provisions](#) which are summarized:

The status of *New School* (a school that comprises students who previously attended one or more existing schools) is designated for schools that are in their first year of opening. When a school has a status of *New School* during the year in which data is collected for accreditation, it will only have one year of data for which to evaluate performance, Therefore, the Board adopted special provisions such that –

- If an academic indicator is rated Level Three based on current year data and the combined rate in English or mathematics (elementary and middle schools), or the mathematics pass rate (EOC) or science pass rate (elementary, middle, and high school) is at least 50%, the indicator shall be rated a Level Two; and
- If the chronic absenteeism rate, dropout rate, or Graduation and Completion Index are rated Level Three based on current year data, the indicator shall be rated as Level Two.

- 5) There is no statutory or regulatory basis that allows the Board to waive accreditation for a particular school. In addition, [8VAC20-131-370.C](#) requires each school be evaluated for accreditation:

C. Each school shall be accredited based on achievement of the conditions specified in [8VAC20-131-400](#) and on continuous improvement of performance levels on measures of selected school quality indicators as described in [8VAC 20-131-380](#).

Timetable for Further Review/Action:

Following Board action, WJCC will be notified of the Board's decision after the November 17, 2022 meeting.

Impact on Fiscal and Human Resources:

There is no fiscal or human resources impact.

Virginia Department of Education

Accreditation Appeals Form 2022-2023

DATE: August 31, 2022

DIVISION INFORMATION

DIVISION NAME and NUMBER: *Williamsburg-James City County Public Schools - 131*

PRELIMINARY 2022-2023 SCHOOL DATA

For each indicator, include the current or cumulative year rate that is used to determine the performance level. It is denoted with a * on the *Accreditation Detail Report*. If the appeal is for more than one school, please copy and paste the table, then insert it into this form. There should be one table for each school that is part of the appeal.

School Name and NUMBER	James Blair Middle - 0025	
School Quality Indicator	Preliminary Rate	Preliminary Performance Rate (L1, L2, L3)
Academic Achievement - English	78.41	L1
Academic Gap - English	White 88.89	L1
	Black 59.38	L3
	Asian 95.45	L1
	Hispanic 67.57	L1
	Multiple Races 79.25	L1
	English Learners 68.75	L2
	Economically Disadvantaged 64.01	L3
Students with Disabilities 58.59	L2 (R10)	
Academic Achievement - Mathematics	76.49	L1
Academic Gap - Mathematics	White 85.82	L1
	Black 57.61	L3
	Asian 100.00	L1
	Hispanic 67.29	L1 (3yr)
	Multiple Races 72.97	L1
	English Learners 75.00	L1
	Economically Disadvantaged 59.74	L2 (3yr)
Students with Disabilities 58.97	L3 (R10?)	
Academic Achievement - Science	67.86	L1
Chronic Absenteeism	N/A	N/A
Graduation and Completion Index	N/A	N/A
Dropout Rate	N/A	N/A
College, Career, and Civic Readiness Index	N/A	N/A
PRELIMINARY ACCREDITATION STATUS	Accredited with Conditions	

Virginia Department of Education

Accreditation Appeals Form 2022-2023

SCHOOL QUALITY INDICATOR (S)

State the specific School Quality Indicator(s) being appealed.

Williamsburg-James City County is appealing the Achievement Gap – Mathematics indicator for students with disabilities.

James Blair Middle School missed two subgroups on the current year, 2022, in the Achievement Gap – Mathematics Indicator: Black students with 57.61% and Students with Disabilities with 58.97%.

WJCC has calculated the math failure rate for students with disabilities based on the previous school year (2020-2021) data in comparison to the spring 2022 data and found James Blair Middle School had a reduction of 19.8% meeting the required R10.

Students with Disabilities	Total Tests	# Passing	# Failing	% Failing	% Reduction
2021-2022	77	26	51	66.2%	19.8%
2020-2021	50	7	43	86.0%	

VDOE Note: Per WJCC staff, these numbers do not include VAAP tests. With the VAAP tests added to WJCC 's table, the % reduction is 19.5%.

Virginia Department of Education

Accreditation Appeals Form 2022-2023

REASON FOR APPEAL

In the space provided, briefly state the reason for the appeal, any relevant context, and supporting details. The reason for the appeal must be data driven and written without personally identifiable information. If appropriate, include steps taken to mitigate the impact of the circumstance prior to submitting the appeal. The reason for the Appeal response may not exceed this page. Please do not send additional information in attachments. No attachments to the Accreditation Appeal Form will be considered.

Click or tap here to enter text.

Williamsburg-James City County Public Schools has identified two reasons for which other established schools in the Commonwealth are afforded accreditation opportunities that James Blair does not have.

Reason 1: Lack of opportunity for Reduction from the previous year (spring 2021)

Spring 2022 mathematics data shows James Blair Middle School has made significant progress in the identified SWD subgroup and had a reduction of failure rate of 19.8% for Students with Disabilities in mathematics from the previous year (2021). Therefore, we are asking for consideration with the mathematics achievement gap indicator to compare the reduction failure rate for Students with Disabilities from spring 2021 to spring 2022. (VA Code 8VAC20-131-380).

Reason 2: Lack of opportunity three-year average

James Blair Middle School has only two years of scores (spring 2019 and spring 2022) and is not afforded the same opportunity to calculate a true three-year average to meet the SOA criteria. (VA Code 8VAC20-131-380)

It should be noted that many schools in Virginia that are identified as accredited are performing significantly lower than James Blair Middle School. However, those schools are afforded opportunities to meet the criteria through three years of historical data that James Blair does not have.

REQUIRED SIGNATURES

Virginia Department of Education

Accreditation Appeals Form 2022-2023

D. Greg Dowell

School Board Chair Name (printed/typed)

D. Greg Dowell

8/31/22

School Board Chair Signature

Date

Olwen E. Herron

Superintendent Name (printed/typed)

Olwen E. Herron

8-31-2022

Superintendent Signature

Date