| **Virginia Board of Education Agenda Item** | **Seal of the Commonwealth of Virginia** |
| --- | --- |

# Agenda Item: E

## Date: March 21, 2019

### Title: Final Review of an Amendment to Virginia’s Consolidated State Plan under the *Every Student Succeeds Act of 2015* (ESSA)

#### Presenter: Dr. Lynn Sodat, Director, Office of ESEA Programs

#### Email: Lynn.Sodat@doe.virginia.gov Phone: 804-225-2870

## Purpose of Presentation:

Action required by state or federal law or regulation.

## Executive Summary:

Under the *Every Student Succeeds Act of 2015* (ESSA), each state must develop a plan that describes how the state will meet the requirements of the federal statute. The Title I, Part A, section of the consolidated state 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 plan submitted to USED in September 2017, Virginia’s description included the definitions below for out-of-field and inexperienced teacher, as well as state level data from Virginia’s [*Equitable Access to Excellent Educators Teacher Equity Plan*](http://www.doe.virginia.gov/federal_programs/esea/title2/part_a/reports/teacher_equity_plan_2015.pdf).

*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 consolidated state plan review and negotiation process, USED required Virginia to include in the state plan an assurance that the state 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 is recommended for Board review and approval.

*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.

## **Action Requested**:

Final review: Action requested at this meeting.

## Superintendent’s Recommendation:

The Superintendent of Public Instruction recommends the Board of Education approve the amendment to the consolidated state plan.

## Rationale for Action:

As required by USED, the consolidated state plan must include the definition of ineffective teacher that the state will use for federal reporting; aggregate school-level data based on the definition must be reported by September 15, 2019. Approval at this meeting will allow Department staff to submit the amendment so that it can be reviewed by USED prior to the required reporting date. An amendment to the consolidated state plan can be submitted in the future if the Board of Education decides to change or update the definition.

## Previous Review or Action:

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

Date: January 24, 2019

Action: The Board received on first review the recommended amendment to Virginia’s consolidated state plan.

## Background Information and Statutory Authority:

The Title I, Part A, section of the consolidated state 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, 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*](http://www.doe.virginia.gov/federal_programs/esea/title2/part_a/reports/teacher_equity_plan_2015.pdf).

*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 state 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.*

USED approved [Virginia’s revised state plan](http://www.doe.virginia.gov/federal_programs/esea/index.shtml) in May 2018. The [approval letter from USED](https://www2.ed.gov/admins/lead/account/stateplan17/vaapprovalstateplanltr518.html) included the requirement below:

*In its consolidated State Plan, a State must describe how low-income and minority children enrolled in schools assisted with Title I, Part A funds are not served at disproportionate rates by ineffective, out-of-field or inexperienced teachers, and the measures the State will use to evaluate and publicly report its progress with respect to reducing any disproportionate rates consistent with ESEA section 1111(g)(1(B). In its consolidated State plan, Virginia describes a plan to collect the data for ineffective teachers and provide an amendment to its plan to include the data by September 15, 2019. In order to receive its fiscal year 2019 allocation, Virginia must amend its consolidated State plan to provide the requisite description to meet this requirement. Please submit this amendment for the Department’s review and approval 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 among staff within the Department, the definition below is recommended for Board review and approval.

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

If approved by the Board, the 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.

## **Timetable for Further Review/Action:**

Upon approval by the Board of Education, the amendment will be submitted to USED for review and approval. Aggregate school-level data based on the approved amendment will be reported by September 15, 2019.

## Impact on Fiscal and Human Resources:

Any costs associated with the implementation of the consolidated state plan amendment will be will be provided by federal funds awarded under ESSA or by Department of Education funds according to state procurement policies and procedures.