



Department of Education

Mike DeWine, Governor

Paolo DeMaria, Superintendent of Public Instruction

The Honorable Ian Rosenblum
Deputy Assistant Secretary for Policy and Programs,
Delegated the authority to perform the functions and
duties of the Assistant Secretary for Elementary and Secondary Education
Office of Elementary and Secondary Education
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202

Dear Deputy Assistant Secretary Rosenblum:

I am writing to request a waiver, pursuant to section 8401 of the Elementary and Secondary Education Act of 1965 (ESEA), of the following requirements due to ongoing challenges related to the novel Coronavirus Disease 2019 (COVID-19).

State: **Ohio**

Please check all that apply:



Accountability and school identification requirements in ESEA sections 1111(c)(4) and 1111(d)(2)(C)-(D): the requirements that a State measure progress toward long-term goals and measurements of interim progress; meaningfully differentiate, on an annual basis, all public schools, including by adjusting the Academic Achievement indicator based on a participation rate below 95 percent; and identify schools for comprehensive, targeted, and additional targeted support and improvement based on data from the 2020-2021 school year.



Report card provisions related to accountability in ESEA section 1111(h) based on data from the 2020-2021 school year. These include:

- Section 1111(h)(1)(C)(i)(I)-(IV) and (VI) (*Accountability system description, other than the list of comprehensive, targeted, and additional targeted support and improvement schools*).
- Section 1111(h)(1)(C)(iii)(I) (*Other Academic indicator results for schools that are not high schools*).
- Section 1111(h)(1)(C)(v) (*School Quality or Student Success indicator results*).
- Section 1111(h)(1)(C)(vi) (*Progress toward meeting long-terms goals and measurements of interim progress*).
- Section 1111(h)(2)(C) with respect, at the local educational agency (LEA) and school levels, to all waived requirements in section 1111(h)(1)(C).

Consistent with the requirements of ESEA section 8401(b)(1)(C), describe how the waiving of such requirements will advance student academic achievement.

Ohio is focused on the critical use of data for continuous improvement, which is especially important at this juncture. Accordingly, Ohio is utilizing some of its state-level [CARES Act funding](#) to support the use of data including optional online assessments for educators to use in grades 3 through high school. The [Restart Readiness Assessments](#), available for English language arts, mathematics, science and social studies, are designed to help schools and districts identify student progress early and receive actionable performance data. These assessments, *which may be offered remotely*, are administered using systems with which Ohio educators and students are familiar from the administration of Ohio's State Tests. [Regional Data Leads](#) are developing additional support materials and training.

The intent of Ohio's waiver request is to limit the consequences of any data generated during this school year in alignment with federal flexibility and recently passed state legislation.

To balance the waiver of requirements included in this request and providing transparent access to data to support recovery, improvement and planning, Ohio intends to report performance data with the following adjustments for the 2020-2021 school year only.

- **Progress:** Ohio uses a value-added measure to gauge student progress. This measure relies on multiple years of data and will be impacted by the lack of state assessment data from 2019-2020. Ohio will continue to measure progress using a "gap year" approach which measures student growth from the 2018-2019 school year to the 2020-2021 school year in math and English language arts in grades 4-8. While the basic methodology will remain the same, the interpretation of this year's value-added measure will be somewhat different than in most years in that it will be measuring the growth of students over two years instead of one. Value-Added measures for end of course exams and science courses, which do not require consecutive years of data, will be calculated accordingly as they typically are done although some may have fewer data points available based on the lack of 2019-2020 data. Ohio's Value-Added measure utilizes "up to three years" of data as available when aggregating growth information. Due to the nature of the gap year approach and the lack of 2019-20 data, the 2020-21 progress data will be based on one year of growth information.
- **Gap Closing:** The Gap Closing Component calculation measures the academic improvement in English language arts and mathematics from the previous year to the current year. In 2020-2021, this measure will use the performance data from the 2018-2019 school year for the English language arts and mathematics portion as the "prior year" data.
- **Progress in achieving English language proficiency (ELP):** Due to the use of multiple years of data and nature of the calculation, this measure cannot be fully calculated with incomplete data from the 2019-2020 school year. Additionally, this measure uses student level annual improvement goals and it is therefore not ideal to use data going back further to the 2018-2019 school year. The Department was not able to set baseline improvement goals for new students, nor measure the progress from year to year for existing students. This measure will not be calculated as part of the Gap Closing Component, but all data available will be provided to schools and districts for use in recovery and improvement planning.

Consistent with the requirements of ESEA section 8401(b)(1)(F), in order to maintain or improve transparency in reporting to parents and the public on student achievement and school performance in school year 2020-2021, including the achievement of subgroups of students, I assure that:

- The State will **make publicly available chronic absenteeism data**, either as defined in the State’s School Quality or Student Success indicator, if applicable, or *EDFacts*, disaggregated to the extent such data are available by the subgroups in ESEA section 1111(c)(2), on State and local report cards (or in another publicly available location).
- The State will **make publicly available data on student and/or teacher access to technology devices and high-speed internet**, disaggregated by the subgroups in ESEA section 1111(c)(2), to the extent such data are collected at the state or LEA level.

Ohio is committed to both providing data for continuous improvement as well as transparency of data reporting. Ohio’s reporting system, which has been bolstered by multiple rounds of State Longitudinal Data System grants, is highly regarded. Ohio will continue this priority by ensuring transparent reporting of required elements to support recovery at the federal, state and local levels. Ohio provided the public an early glance into fall state assessment data and other key opportunity to learn metrics in its [Data Insights](#) report. This report informed educators and policymakers about how the Pandemic is Affecting the 2020-2021 School Year.

Before the announcement of the ESSA waiver opportunity, the SEA collaborated with its LEA and regional partners to develop an optional reporting plan for data on technology and device access, as well as educational models. *This data will be reported as part of Ohio’s accountability reporting system in an easily accessible and user-friendly format for parents, policymakers and communities.*

In addition, Ohio will continue to report all available data that is currently reported including advanced coursework, educator data, and fine arts course offerings.

Consistent with the requirements of ESEA section 8401(b)(1)(F), in order to ensure that schools will continue to provide assistance to the same populations served by Title I, Part A (e.g., subgroups in section 1111(c)(2)), I assure that:

- Any school that is identified for comprehensive, targeted, or additional targeted support and improvement in the 2019-2020 school year (i.e., any school that was in that status as of the 2019-2020 school year), except for comprehensive support and improvement schools identified based on low graduation rates that meet the State’s exit criteria, **will maintain that identification status in the 2021-2022 school year**, implement its support and improvement plan, and receive appropriate supports and interventions.

Similar to Ohio’s request in the addendum, schools will not be identified for federal improvement status in Fall 2021 based on the 2020-2021 school year data. All schools currently identified in Ohio as Priority, Focus or Warning will remain in their current status for one additional year. New identifications will be made in Fall 2022 using data from the 2021-2022 school year. All schools identified for school improvement will receive additional information from the Office for Improvement and Innovation later this year. Funding will continue via current structures and formulas.



The State will **identify comprehensive, targeted, and additional targeted support and improvement schools using data from the 2021-2022 school year in the fall of 2022** to ensure school identification resumes as quickly as possible.

Consistent with the requirements of ESEA section 8401(b)(3)(A), prior to submitting this waiver, the State provided interested LEAs and the public with notice and a reasonable opportunity to comment and provide input on this waiver request and considered the feedback and input in finalizing this request. The comments and input received, as well as the State's description of how it addressed the comments and input, are enclosed with this request.

Thank you for your consideration. Please direct any questions to Shelby Robertson, Director, Office of Accountability at Shelby.Robertson@education.ohio.gov.

Sincerely,

A handwritten signature in black ink that reads "Paolo A. DeMaria". The signature is fluid and cursive, with a large initial 'P' and 'D'.

Paolo DeMaria, Superintendent of Public Instruction
Ohio Department of Education