

Mike DeWine, Governor  
Paolo DeMaria, Superintendent of Public Instruction

**DATE:** March 2021  
**TO:** Interested Parties and Stakeholders  
**FROM:** Paolo DeMaria, Superintendent of Public Instruction  
**SUBJECT:** SUBMISSION OF NEW WAIVER REQUEST FOR SELECT ACCOUNTABILITY REQUIREMENTS OF OHIO'S EVERY STUDENT SUCCEEDS ACT PLAN

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## SUMMARY

- In late February, the U.S. Department of Education released a new opportunity to allow states to waive accountability and school identification requirements for the 2020-2021 school year.
- This opportunity is different than the earlier ESSA Addendum that Ohio submitted. States can only apply for one – the addendum or the waiver. *This document outlines and seeks feedback on Ohio's proposal to use the waiver opportunity instead of the addendum opportunity.* (Note: this proposal replaces Ohio's previously posted addendum draft, but includes many of the same technical specifications)
- 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.

## BACKGROUND

As educators and students work through the unique challenges of the 2020-2021 school year, many questions and discussions have centered on the short-term and long-term future of the accountability system.

During the early days of the pandemic and related school closures, the U.S. Department of Education allowed states to seek one-year waivers from the Every Student Succeeds Act's testing and accountability requirements for the 2019-2020 school year. The Ohio General Assembly subsequently passed emergency legislation canceling the spring 2020 administration of Ohio's State Tests and subsequent changes to the 2019-2020 Ohio School Report Cards. Accordingly, the Ohio Department of Education sought and received a federal waiver for the 2019-2020 school year.

As the 2020-2021 school year began, the U.S. Department of Education shared guidance (September 2020) clearly noting states *"should not anticipate such waivers being granted again"* for the 2020-2021 school year. Subsequently (October 2020), the U.S. Department of Education provided states with *some limited one-year technical flexibilities related to federal accountability and school improvement support requirements*. Ohio submitted this one-year ESSA Addendum opportunity in mid-February to the U.S. Department of Education.

With the new federal administration in place, the U.S. Department of Education released an additional opportunity to fully waive the accountability and school identification requirements for the 2020-2021 school year provided specific reporting requirements are met by the state. Additionally, in March 2021, the Ohio General Assembly passed legislation in House Bill 67 to require the Ohio Department of Education to seek this federal waiver for accountability and school identification. The bill has been signed by Governor DeWine with an immediate effective date of March 22, 2021.

**This memo summarizes the impact of shifting from the addendum opportunity to the new waiver opportunity for accountability and school improvement identification. 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.**

Before the pandemic, many education stakeholders discussed the long-term future of the state accountability system. While this year has impacted the pace of those discussions, that work continues to build upon [Each Child, Our Future’s](#) Strategy 6 to refine the state’s accountability system to be a fairer, more meaningful process.

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.

#### **ESSA PLAN ONE-YEAR WAIVER**

The U.S. Department of Education issued guidance in late February 2021 specifying that states can now submit a waiver request for accountability and school identification for the 2020-2021 school year instead of the earlier available addendum.

The waiver allows states to report as much performance data as available without adding the accountability system labels (in Ohio the A – F grading system) or using the data within the school improvement identification system. The U.S. Department of Education has added several new reporting requirements with this waiver opportunity including reporting testing participation rates, chronic absenteeism rates by student subgroup, and other technology access information as it is available.

#### **Details on Ohio’s Waiver Request and Reporting:**

- 1. Letter grades and ratings.** Ohio will not publish letter grades for any measure, component or overall grade for the school and district report cards. Additionally, letter grades will not be published for the Career Technical Planning District report cards and no label ratings will be published for schools receiving the dropout prevention and recovery report card.
- 2. School improvement identification.** 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.
- 3. Performance Data reporting.** In order to report the available performance data in a way that promotes recovery planning and improvement, Ohio will make several technical adjustments to the reporting as noted below. These changes are similar to those proposed under the addendum process. *In some cases, Ohio may not be able to report data that is typically included on the report card pending availability of complete data. Those changes will be noted in future updates from the Department.*

- a. **Progress (Value-Added Growth):** 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 composite 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.
- b. **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.
- c. **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.

#### 4. New reporting requirements.

- a. **Chronic Absenteeism.** While Ohio has published chronic absenteeism data and included chronic absenteeism in our accountability system, there are new reporting requirements. The U.S. Department of Education is requiring that each state seeking the waiver commit to reporting publicly any available chronic absenteeism data disaggregated by student subgroups. This data must be reported on the state and local report cards, or in another publicly available location. *Additional details on the location of this data will be provided by the Department in the coming months.*
- b. **Technology Access.** One of the new pieces of data to report is the available data on student and/or teacher access to technology devices and high-speed internet. This data is also intended to be disaggregated by student subgroups as available. While Ohio began collecting some of this data during the 2020-2021 school year, the collection was optional and among a list of other prioritized new data collection elements. *Additional details on the reporting of this data will be provided by the Department in the coming months.*

**REQUEST FOR COMMENTS and NEXT STEPS**

The Department would like to hear from interested stakeholders about the proposed usage of the waiver opportunity for accountability and school identification elements of Ohio's Every Student Succeeds Act state plan. **Please provide feedback by Wednesday, April 7, 2021.** Please email all input to [eseawaiver@education.ohio.gov](mailto:eseawaiver@education.ohio.gov). We look forward to receiving your comments.

The waiver request draft will be posted for public comment and shared via the Ohio Department of Education's communication channels. The Department will engage stakeholders including the major education associations and the ESEA Committee of Practitioners. All feedback will be reviewed prior to the official submission of the waiver request to the U.S. Department of Education by mid-April.