



PUBLIC SCHOOLS OF NORTH CAROLINA

STATE BOARD OF EDUCATION | Eric C. Davis, Chairman

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February XX, 2021

The Honorable Frank T. Brogan
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 Assistant Secretary Brogan:

The state of North Carolina's commitment to measuring student achievement and providing support for school improvement predates No Child Left Behind. In 1993, we began testing all students in grades 3–8 in reading and mathematics, building upon the end-of-course high school assessment model that began in the 1980s. With this assessment data, North Carolina built a school-based accountability model prioritizing academic achievement and growth for all students. This commitment to assessment and accountability is even more critical this school year to help evaluate the impacts of COVID-19 and different combinations of instruction modes. Students are attending school on abbreviated school schedules, varying from two days in school each week to alternating weeks between remote and at home learning. Some students have stayed entirely on remote instruction since March 2020, and some students have experienced a combination of approaches.

In this context, North Carolina intends to administer the required statewide assessments in reading, mathematics, and science as specified in the Elementary and Secondary Education Act of 1965 as amended by the Every Student Succeeds Act (ESSA) in 2015. To ensure validity, reliability, equity, and fairness, as required by ESSA, these assessments will be administered in school or at a school sanctioned site that maintains test security and standardization. Data from these administrations will support educators at the state, district, and school level in planning and targeting instruction, both in the coming months and post-COVID as students return to school fulltime. Though data from the 2020–21 school year must be viewed cautiously given the context, it has strong potential to give us insight on how to move forward.

However, using the data from the 2020–21 school year test administrations for accountability reports and determinations that evaluate schools for the purpose of comparison may not be supported. Accountability models and school designations are absolutes, and though in previous years these claims were supported by the validity, reliability, equity, and fairness of the tests, that is not the case for the 2020–21 school year. The following will have significant impact on the usability of the data for consequences associated with all classifications and participation for the 2020–21 school year:

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AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER

- 1) The validity of the test is dependent on students' opportunities to learn the state-adopted content standards. With restricted in-person instruction and variability in remote learning environments and familial supports, it is not possible to assure all students had adequate opportunity to learn the entire content.
- 2) For some students, their at-school participation in the test administration is their first day back at school since March 16, 2020. This coupled with the COVID-19 protocols requiring social distancing may have an impact on some student's performance on the tests.
- 3) Some students are not able to attend school to participate in the assessment due to their own or a family members' compromising health conditions. Though these students may want to attend school to take the test, it is simply not an option.
- 4) The North Carolina accountability model includes measures that use data from previous school years: growth and English language proficiency progress for English learners. The differences in the learning contexts and participation in the assessments will skew these data analyses, yielding questionable data for inclusion in the school accountability model.
- 5) With some students unable to participate in the test administrations, the test data may not represent all students and all students in a subgroup. Without this representativeness, the accountability determinations are invalid and may result in erroneous claims and conclusions.

Thus, North Carolina is requesting a waiver from all accountability and school identification requirements in sections 1111(c)(4), 1111(d)(2)(C)-(D) and 1111(h) of ESSA. This includes the identification of Targeted Support and Improvement Consistently Underperforming Schools that are to be identified in fall 2021 based on data from the 2020–21 school year.

To ensure the approved waiver meets federal law, North Carolina will

- 1) Assure data for all students and for all subgroups will be reviewed to identify needs for improvement and to implement instructional plans that support the improvement of educational outcomes for all students and all subgroups.
- 2) Assure parents will be notified of student's performance on the administered statewide assessments.
- 3) Use data from the 2018–19 school year to maintain the 2019–20 identification of schools for comprehensive or targeted support and improvement or additional targeted support and improvement and continue to provide supports and interventions consistent with the school's support and improvement plan in the 2021–22 school year.
- 4) For the NC Report Card, report at the state-level only:
 - a) Section 1111(h)(1)(C)(i) (accountability system description)
 - b) Section 1111(h)(1)(C)(ii) (assessment results)
 - c) Section 1111(h)(1)(C)(iii)(I) (other academic indicator results)
 - d) Section 1111(h)(1)(C)(iv) (English language proficiency assessment results)
 - e) Section 1111(h)(1)(C)(v) (school quality or student success indicator results)
 - f) Section 1111(h)(1)(C)(vi) (progress toward meeting long-term goals and measurements of interim progress)
 - g) Section 1111(h)(1)(C)(vii) (percentage of students assessed and not assessed)

- h) Section 1111(h)(1)(C)(xi) (number and percentage of students with the most significant cognitive disabilities taking an alternate assessment).

At a minimum, North Carolina requests a waiver from the requirement to calculate the academic achievement score of the accountability model based on 95% of students in a school when the actual percentage of students participating is less than 95%. The State is not seeking a waiver from 1111 (h) (1) (C) (Vii), which requires the State to report the percentage of students assessed and not assessed for all students and each subgroup of students described in subsection (b)(2)(B)(xi). North Carolina is taking the following actions to ensure student participation is a priority that will be monitored and reported to parents and the public:

- 1) Communicate to districts and schools all students are to be tested and the waiver does not remove the requirement for testing all students.
- 2) Provide multiple testing windows throughout the school year, providing opportunity for all students to test when health and safety protocols are maintained, as prescribed by the Center for Disease Control and the North Carolina Department of Health and Human Services.
- 3) Determine the actual participation rates and publish the actual participation rates on the NCDPI website for access by parents and the public.
- 4) Encourage interim or benchmark data collected locally to teachers and parents for information on the strengths and weaknesses of their students' learning.

The approval of this waiver will focus the attention of educators on evaluating the test data to determine the impact of altered learning environments, supports, and access with the purpose of identifying actions to regain learning loss and to address student needs. This test data evaluation will be critical when students return to learning at school fulltime. To frame the data from the 2020–21 school year in the typical accountability system will only focus the discussion on why the data does not meet the criteria for assessments as cited in *The Standards for Educational and Psychological Testing* (2013), developed jointly by the American Psychological Association, the National Council of Measurement in Education and the American Educational Research Association. Discussions of the appropriate use of data from the 2020–21 school year test administrations are on-going and the concern for validity, reliability, equity, and fairness is expressed by parents, educators, test developers, psychometricians and researchers. The intent of these stakeholders is to ensure learning is prioritized while also noting the limitations of test data during a pandemic that has significantly had an impact on the opportunity to learn for our students.

This request is for the 2020–21 school year only. In a separate request, North Carolina is submitting a request for approval of an addendum to its ESSA state plan. This includes moving the interim targets originally designated for the 2019–20 school year to be the interim targets for the 2020–21 school year. This will shift the long-term goal year from the 2026–27 school year to the 2027–28 school year. If this waiver is approved, North Carolina will withdraw its request for an addendum to the ESSA state plan for the 2019–20 school year.

North Carolina is committed to administering the required statewide tests for the purpose of advancing student achievement, and it will monitor test administrations and participation. It will

ensure parents and the public have access to the appropriate data. However, with this waiver request, North Carolina is not supportive of using the test data from this school year for accountability reports, analyses, and consequences.

North Carolina's approach is consistent with the December 17, 2020 statement from the Council of Chief State School Officers (CCSSO):

It is critical for state and local education leaders to continue to lead and focus on the aspects of assessment that are most important today in the midst of this pandemic: measuring the academic progress for as many students as possible; transparently reporting those results to students, families and the public; and using the data to inform decision-making. Today, states are moving forward and exploring how to administer their statewide summative assessment to as many students as possible this spring, or exploring other similar important measures. To be successful, students, families, and educators must know the results of this year's assessment will only be used to drive supports for students.

Approval of this waiver request will ensure North Carolina students, parents, educators, and the public have the necessary data to improve student achievement for all of North Carolina students. We respectfully request an expedited consideration for a waiver from the accountability requirements cited, and as always, we are available for a discussion.