

# **Frequently Asked Questions**

## **Impact of COVID-19 on 2021-2022 Accountability Systems Required under the Elementary and Secondary Education Act of 1965 (ESEA)**



**February 2022**

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## INTRODUCTION

The Elementary and Secondary Education Act of 1965 (ESEA) requires each State to develop and implement a single, statewide accountability system to support all public elementary school and secondary school students in meeting the challenging State academic standards. These systems are important tools in achieving the goal of improving outcomes for students and eliminating opportunity gaps in the State, local educational agencies (LEAs), and schools.

Due to the extraordinary circumstances created by the Coronavirus Disease 2019 (COVID-19) pandemic, the U.S. Department of Education (Department) invited State educational agencies (SEAs) to apply for a waiver from the accountability requirements of the ESEA for the 2019-2020 and 2020-2021 school years and the assessment requirements for the 2019-2020 school year. As a result, many SEAs have not implemented all aspects of their statewide accountability systems or identified schools for support and improvement since fall 2019. Upon receiving an accountability waiver for the 2020-2021 school year, each SEA agreed that it would resume identifying schools for comprehensive, targeted, and additional targeted support and improvement using data from the 2021-2022 school year in the fall of 2022 to ensure school identification resumes as quickly as possible.

The purpose of this document is to support SEAs, LEAs, and schools as they implement accountability and school improvement requirements under section 1111 of the ESEA. The Department recognizes that there may be questions as SEAs prepare to implement their systems this year. As SEAs consider changes to their accountability systems due to the impact of COVID-19, this is also an opportunity for SEAs to consider ways they can refine and further strengthen these systems consistent with ESEA requirements. In developing this document, the Department has sought to answer a number of the frequently asked questions posed by teachers, school and LEA leaders, SEA representatives, civil rights organizations, education advocates, and policymakers. The Department provided an opportunity for the public to comment on the draft document, as described below.

As each SEA determines how best to implement its accountability system in order to continuously improve and best meet the needs of students, consistent with the requirements of the ESEA, it might consider:

1. The importance of **authentic engagement** with a diverse range of stakeholders, including students, parents and families, educators, LEAs (including those located in rural areas), representatives of Indian tribes located in the State, civil rights organizations, and stakeholders representing the interests of children with disabilities, multilingual learners, children experiencing homelessness, children and youth in foster care, migratory students, children who are incarcerated, and other underserved students as the State makes decisions about its accountability system;
2. How to ensure that the State's accountability system is focused on targeting Federal (including COVID-19 recovery funding), State, and local **resources and support to the schools that serve students with the greatest needs, including those who have been most impacted by the pandemic**, and on addressing the long-standing inequities in educational opportunity that existed prior to the pandemic;

3. Temporary adjustments to the State’s accountability system, consistent with statutory requirements, that may be needed in the short-term (e.g., for one year) because of **missing or less reliable data due to the pandemic** for indicators that are part of the State’s accountability system, including adjustments in growth measures to ensure fairness and accuracy;
4. Opportunities to make **broader, meaningful, and lasting changes** to the State’s system, including those based on lessons from the last two years, the evolving understanding of the needs of students in the State, and other lessons on how to most effectively measure the needs of students and schools in ways that are valid, reliable, and actionable;
5. Addressing the **impact of the pandemic and lost instructional time as part of the school improvement process**, which could include leveraging additional Federal pandemic recovery funds and aligning school improvement efforts with evidence-based interventions to address lost instructional time using American Recovery Plan Elementary and Secondary School Education Relief (ARP ESSER) funds;
6. Opportunities to **continue and expand public reporting of a range of opportunity to learn measures**—including those that a State agreed to report when it received its accountability waiver for the 2020-2021 school year—even if the SEA does not use these measures to identify schools for improvement in the State’s accountability system;
7. Opportunities to **improve statewide summative assessments**, which may include, consistent with ESEA section 1111(b)(2)(B)(vi), the use of multiple measures of student academic achievement, including measures that assess higher-order thinking skills and understanding, which may include measures of student academic growth and may be partially delivered in the form of portfolios, projects, or extended performance tasks which can provide students with culturally and linguistically responsive ways of demonstrating progress;
8. Strategies for **continuous improvement to the State’s assessment system**, including enhancing the ability to provide more timely, meaningful reporting to educators and parents and supporting educator and parent and family assessment literacy and development; and
9. Consistent with the Department’s message to States in the 2020-2021 school year about use of assessment during the pandemic, encouraging States to consider **additional steps at the State’s discretion** to reduce the high stakes of assessments in State decisions such as graduation or promotion requirements or in educator evaluations.

The Department has determined that this document is significant guidance under the Office of Management and Budget’s Final Bulletin for Agency Good Guidance Practices, 72 Fed. Reg. 3432 (Jan. 25, 2007). See <https://www.whitehouse.gov/sites/whitehouse.gov/files/omb/memoranda/2007/m07-07.pdf>. Except for any statutory or regulatory requirements described in this document, this significant guidance is nonbinding and does not create or impose new legal requirements.

The Department provided a 30-day opportunity for the public to comment on a draft of this document and received over 25 comments, which are posted at (<https://oese.ed.gov/offices/office-of-formula-grants/school-support-and-accountability/essa-consolidated-state-plans/>). We have taken those comments into consideration in revising the draft document. If you are interested in commenting further on this document, please email your

comments to [OESE.feedback@ed.gov](mailto:OESE.feedback@ed.gov) or write to the following address: Office of Elementary and Secondary Education, 400 Maryland Avenue, SW, Washington, DC 20202 For further information about the Department's guidance processes, please visit <https://www2.ed.gov/policy/gen/guid/significant-guidance.html>.

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## A. GENERAL

### A-1. What accountability and school improvement requirements apply for the 2021-2022 school year and the resulting fall 2022 accountability determinations?

All accountability and school identification requirements under ESEA section 1111 are in effect for the 2021-2022 school year. As part of its approved waiver of accountability requirements or approved addendum for the 2020-2021 school year, each SEA assured that it would identify comprehensive support and improvement (CSI), targeted support and improvement due to consistently underperforming subgroups (TSI), and additional targeted support and improvement (ATSI) schools using data from the 2021-2022 school year in the fall of 2022 in order to resume school identification as soon as possible.

The Department recognizes that most SEAs will be restarting their accountability systems in the 2021-2022 school year. Most SEAs will not have run their State systems of annual meaningful differentiation for the two prior school years, due to disruptions caused by the effects of COVID-19. In addition, during the 2019-2020 and 2020-2021 school years, unprecedented disruptions may have impacted schools in numerous ways, such as lost instructional time for groups of students, increases in student chronic absenteeism, and greater student mobility.

As a result of these disruptions for many students and schools, an SEA may be unable to implement its indicators and system of annual meaningful differentiation as described in its approved consolidated State plan or it may no longer reflect the State's context, priorities, and needs for the 2021-2022 school year and the resulting fall 2022 accountability determinations. The purpose of this guidance is to remind the SEA of the requirements and where an SEA has discretion under the ESEA.

### A-2. If an SEA is not able to implement or would like to modify its approved ESEA consolidated State plan for the 2021-2022 school year (i.e., for accountability determinations in fall 2022), may a State amend its State plan?

Yes. An SEA may make one-year or longer-term changes to its approved ESEA consolidated State plan, consistent with ESEA requirements. For example, a State may define a one-year system of annual meaningful differentiation as it restarts accountability for the 2021-2022 school year. This could include, but is not limited to, modifying its indicators (e.g., incorporating additional opportunity to learn indicators and/or postsecondary access and success indicators), system of annual meaningful differentiation (e.g., to remove a summative rating and instead present performance across indicators – overall and by student subgroup – through the use of a data dashboard, while still identifying CSI, TSI, and ATSI schools as required), and methodologies for identifying schools for CSI, TSI, and ATSI and exit criteria.

The Department recognizes that States may, with appropriate stakeholder engagement and based on the State's particular circumstances, need to make decisions about their accountability systems at different times, and the Department will work with all States in this regard.

### A-3. How may an SEA submit a request to amend its ESEA consolidated State plan?

As noted below, an SEA that would like to amend its accountability system for the 2021-2022 school year and fall 2022 accountability determinations, consistent with ESEA requirements, must submit a request to the Department. There are two ways for a State to request to amend its consolidated State plan.

1. COVID-19 State Plan Addendum: For changes intended only for the 2021-2022 school year

To amend its ESEA consolidated State plan for the 2021-2022 school year *only* (i.e., amendments that will impact only accountability determinations based on data from the 2021-2022 school year and school identifications in fall 2022), an SEA may use the “2021-2022 Template for Addendum to the ESEA Consolidated State Plan due to the COVID-19 National Emergency” (COVID-19 State Plan Addendum), which will be posted at <https://oese.ed.gov/offices/office-of-formula-grants/school-support-and-accountability/essa-consolidated-state-plans/>.

In addition to requests limited to the 2021-2022 school year, an SEA may use the COVID-19 State Plan Addendum process to request to:

1. Shift timelines forward by one or two years for measurements of interim progress and long-term goals, and
2. Modify the exit criteria for schools identified in fall 2022, including the number of years such schools have to meet exit criteria in order to exit status.

If an SEA requests the two changes described above through the COVID-19 State Plan Addendum and the changes are approved, the SEA must submit an updated ESEA consolidated State plan that incorporates those changes at a later date. All other amendments submitted through the COVID-19 State Plan Addendum template and process (i.e., amendments that are limited to the 2021-2022 school year) **do not require** submission of an updated ESEA consolidated State plan.

If an SEA submits an amendment to its ESEA consolidated State plan using the streamlined COVID-19 State Plan Addendum template and process, it must submit the following:

1. The COVID-19 State Plan Addendum that reflects all proposed amendments;
2. The signature of the chief State school officer or authorized representative; and
3. A description of how the SEA provided the public a reasonable opportunity to comment on the requested amendments to the ESEA consolidated State plan with a summary of changes made based on the public comments received. The Department recommends that the SEA seek public input through consultation that is broad and with stakeholders that represent the diversity of the community within the State (e.g., meeting with local superintendents and sharing through regular correspondence with LEAs, conducting targeted stakeholder outreach, holding focus groups, prominently listing the proposed amendments on the SEA’s website, and providing a user-friendly, accessible means for the public to submit comments). (See question A-6.)

Prior to submitting an amendment to the Department, including an amendment submitted through the COVID-19 State Plan Addendum template and process, an SEA must consult with the Governor, afford a reasonable opportunity for public comment, and consider such comments consistent with the consolidated assurances the State submitted in June 2017 under ESEA section 8304.

After notifying the SEA that an addendum has been approved, the Department will post the approved addendum on our website, along with the current approved consolidated State plan, at <https://oese.ed.gov/offices/office-of-formula-grants/school-support-and-accountability/essa-consolidated-state-plans/>.

2. State Plan Amendment: For changes intended to continue beyond the 2021-2022 school year

An SEA may request amendments to its ESEA consolidated State plan that will continue beyond the 2021-2022 school year or that the State intends to implement starting with the 2022-2023 school year using the regular State plan amendment process described in the Department's October 24, 2019, Dear Colleague Letter available at <https://oese.ed.gov/files/2020/02/csso-letter.pdf>.

**A-4. May an SEA submit both an amendment to its ESEA consolidated State plan using the regular amendment process for long-term changes, as well as an amendment using the COVID-19 State Plan Addendum to account for changes to its accountability system for the 2021-2022 school year only?**

Yes. An SEA may choose to submit both an amendment using the regular amendment process for changes that extend past or begin after the 2021-2022 school year, as well as a COVID-19 State Plan Addendum for one-year changes for the 2021-2022 school year.

If an SEA is considering both short-term and long-term changes to its accountability system that would begin in the 2021-2022 school year, we recommend the SEA contact its Title I program officer at the Department at [oese.titlei-a@ed.gov](mailto:oese.titlei-a@ed.gov).

**A-5. Must an SEA engage in meaningful consultation prior to submitting a request to amend its ESEA consolidated State plan?**

Prior to submitting a COVID-19 State Plan Addendum or regular State plan amendment, an SEA is required to provide the public a reasonable opportunity to comment on the requested amendments. This opportunity should also be accessible to individuals with disabilities and limited English proficiency. The SEA must consider such comments consistent with the consolidated assurances the State submitted in June 2017 under ESEA section 8304.

The Department recommends meaningful consultation with a broad range of stakeholders, such as LEA leadership, educators and staff, including mental health professionals, unions, students, parents and families, the school community, civil rights organizations, and stakeholders representing the interests of children with disabilities, multilingual learners, children experiencing homelessness, children and youth in foster care, migratory students, and other

underserved students, in order to provide the opportunity for key stakeholders to be engaged in the process and to offer the SEA important perspectives to inform SEA efforts to modify accountability systems in order to direct resources and support to those schools most in need. This engagement should begin early in the decision-making process and be accessible to individuals with disabilities and limited English proficiency.

**A-6. What opportunities for technical assistance are available from the Department to SEAs considering amending their accountability systems?**

The Department is available to provide technical assistance to the field in this area, and we welcome questions and requests from SEAs and other stakeholders. We encourage each SEA to contact its Title I program officer at the Department at [oese.titlei-a@ed.gov](mailto:oese.titlei-a@ed.gov) as it considers short-term and long-term changes to its accountability system to discuss State-specific proposals and questions. Additionally, an SEA may reach out to its Department-supported Regional Comprehensive Centers regarding technical assistance opportunities (see list at <https://compcenternetwork.org/meet-centers>).

## **B. ACCOUNTABILITY SYSTEM**

**B-1. What discretion does an SEA have regarding its long-term goals and measurements of interim progress?**

Each SEA is required to establish ambitious long-term goals and measurements of interim progress and SEAs should strive to achieve its approved goals. However, an SEA may be considering changes to long-term goals and measurements of interim progress for Academic Achievement, Graduation Rates, and Progress in Achieving English Language Proficiency (ELP) due to the impact of COVID-19 and resulting disruptions on school performance. An SEA may request to amend its long-term goals or measurements of interim progress consistent with the requirements in ESEA section 1111(c)(4)(A) (e.g., changing the timeline for meeting the long-term goals, altering the methodology for calculating measurements of interim progress), including, for example, to recognize the impact of lost instructional time and the needs of students most impacted by the pandemic. An SEA that requests to modify its long-term goals and measurements of interim progress must ensure that the modification maintains ambitious goals and expectations for all students, including students in subgroups disproportionately impacted by the pandemic.

An SEA may request to shift forward its timeline for meeting measurements of interim progress and long-term goals by one or two years using the COVID-19 State Plan Addendum. If an SEA would like to make any changes other than a one or two-year forward shift, it must submit an ESEA consolidated State plan amendment using the regular amendment process. An SEA may indicate that it will revise its measurements of interim progress and long-term goals after it has assessment results from the 2021-2022 school year but may not eliminate its current measurements of interim progress and long-term goals until it has proposed revised measures. An SEA that would like to use data from the 2021-2022 school year to establish a new baseline for its long-term goals and measurements of interim progress must submit an amendment to its

ESEA consolidated State plan once those data are available.

If an SEA, at its discretion, chooses to establish or revise measurements of interim progress and long-term goals for one or more extended-year adjusted cohort graduation rates (ACGRs), it must establish ambitious long-term goals for its extended-year ACGRs that are more rigorous than those established for its four-year ACGR.

**B-2. May an SEA amend its system of annual meaningful differentiation for the 2021-2022 school year (i.e., for fall 2022 accountability determinations) through the COVID-19 State Plan Addendum?**

Yes. An SEA has discretion to modify its methodology for its system of annual meaningful differentiation, which must include all schools in the State and be based on all indicators, if the State's system no longer reflects the SEA's context, priorities, and needs (e.g., due to lost instructional time during the pandemic). An SEA may elect to define a new method of annual meaningful differentiation for one year.

An SEA may also modify its weighting of indicators for its system of annual meaningful differentiation consistent with the weighting requirements in ESEA section 1111(c)(4)(C)(ii). That is, an SEA has the discretion to adjust the weighting of indicators, as long as each academic indicator (i.e., the Academic Achievement, Other Academic, Graduation Rate, and Progress in Achieving ELP indicators) has substantial weight and the academic indicators, in the aggregate, have much greater weight than the School Quality or Student Success (SQSS) indicators, in the aggregate.

An SEA could also propose to replace the use of letter grades for a school with a series of business or decision rules or filters that provide greater weight to academic indicators and result in identification of schools for support and improvement. Business or decision rules could, for instance, consider individual indicators in a progressive process starting with the academic indicators (e.g., identifying schools with low academic performance and low growth before schools with low academic performance and high growth then considering the remaining indicators) or identify schools with low performance on one or more academic indicators and low performance on one or more other indicators.

An SEA could propose using, for indicators that can include measures of progress, both the current-year performance and progress over two years in a dashboard which may help the SEA provide transparency and consider both low performance and a lack of growth (overall and by individual subgroups) when applying a set of business or decision rules.

If an SEA is considering adopting or modifying a system based on decision rules, the SEA is encouraged to reach out to its program officer in the Department at [oese.titlei-a@ed.gov](mailto:oese.titlei-a@ed.gov) to discuss ways to demonstrate it is meeting the weighting requirements in its submission.

**B-3. May an SEA modify its methodology for calculating its Academic Achievement indicator?**

Yes. An SEA may modify its methodology for calculating its Academic Achievement indicator consistent with the requirements under ESEA section 1111(c)(4)(B) and (E). For example, an SEA that averages proficiency over multiple years may choose to amend its plan for the 2021-2022 school year to use one year of data (i.e., 2021-2022) or average data from the current year and earlier school years (e.g., 2018-2019 and 2021-2022). In addition, an SEA that includes a measure of student growth for high schools in its Academic Achievement indicator may decide to amend its plan to omit the measure of high school student growth for the 2021-2022 school year. Please see question A-3 for whether to submit an Addendum or a State plan amendment.

**B-4. Must an SEA adjust its Academic Achievement indicator based on participation rate for assessments administered for the 2021-2022 school year?**

Yes. Each SEA is required to annually measure the achievement of not less than 95 percent of all students and students in each subgroup on its annual statewide assessments in reading/language arts and mathematics under ESEA section 1111(c)(4)(E). For purposes of measuring, calculating, and reporting on the Academic Achievement indicator, the denominator must be the greater of 95 percent of all students, or 95 percent of all students in the subgroup; or the number of students participating in the assessments under ESEA section 1111(b)(2)(B)(v)(I).

**B-5. Must an SEA ensure that the number of students assessed with an alternate assessment aligned with alternate academic achievement standards is no more than 1.0 percent of all students in the grade assessed?**

Yes. ESEA section 1111(b)(2)(D)(i)(I) provides that only students with the most significant cognitive disabilities may take an alternate assessment aligned with alternate academic achievement standards (AA-AAAS) and limits the number of students that a State may assess with an AA-AAAS to no more than 1.0 percent of all students in the grades assessed. Student performance on the AA-AAAS is included in the Academic Achievement indicator in the same manner as the State's general assessment results.

A State may request a waiver of the 1.0 percent cap only if it meets certain statutory and regulatory requirements described in 34 CFR § 200.6(c)(4) (available at [https://www.ecfr.gov/current/title-34/subtitle-B/chapter-II/part-200#p-200.6\(c\)\(4\)](https://www.ecfr.gov/current/title-34/subtitle-B/chapter-II/part-200#p-200.6(c)(4))). As part of its waiver request, a State must provide a plan for reducing the percentage of students taking an AA-AAAS and, to extend a waiver previously granted, also demonstrate progress reducing the percentage of students taking an AA-AAAS. For more information, see <https://oese.ed.gov/files/2021/10/Memo-to-States-re-One-Percent-Waiver-Requirements-2021-2022.pdf>. It is important to note that a decision to approve a State's waiver request does not alleviate any of the State's obligations in meeting all of the requirements found in section 612(a)(16) of the Individuals with Disabilities Education Act (IDEA) which address assessment participation, assessment accommodations, alternate assessments, and reporting for children with disabilities.

**B-6. What discretion does an SEA have regarding use of results from high school end-of-course assessments in the Academic Achievement indicator for fall 2022**

## **accountability determinations?**

Under the ESEA, an SEA that administers end-of-course assessments rather than end-of-grade assessments must ensure that each high school student is included in participation rate calculations for the Academic Achievement indicator for each high school assessment the SEA administers to meet the requirements of ESEA section 1111(b)(2)(B)(v)(I) (i.e., adjust participation rate calculations to count as non-participants students who never took the assessments because they never enrolled or completed the academic courses to which the assessment is aligned).

Due to the COVID-19 waivers of assessment requirements for the 2019-2020 school year, an SEA that administers end-of-course assessments may not have assessment data for the Academic Achievement indicator for high school students who were scheduled to take the assessment during the 2019-2020 school year. Therefore, an SEA may exclude from the high school assessment participation rate and performance rate calculations a student who completed a high school academic course to which an end-of-course assessments is aligned for the 2019-2020 school year *only*.

The SEA would omit such students from both the numerator and denominator for participation rate and performance rate calculations that include those students.

If an SEA omits these students from the Academic Achievement indicator, the SEA must include that information in its COVID-19 State Plan Addendum template. An SEA that makes such an adjustment should consider reporting on the numbers of such students omitted, disaggregated by student subgroup, on its State and local report cards.

The Department encourages any State that would like to request technical assistance on this topic to contact [oes.titlei-a@ed.gov](mailto:oes.titlei-a@ed.gov).

### **B-7. May an SEA modify its Other Academic indicator for elementary and secondary schools that are not high schools?**

Yes. An SEA may amend its Other Academic indicator for elementary and secondary schools that are not high schools consistent with the requirements under ESEA section 1111(c)(4)(B)(ii). ESEA section 1111(c)(4)(B) requires an SEA to calculate the Other Academic indicator consistently for all schools in the State that are not high schools (including special education schools, alternative schools, charter schools, virtual schools, and all other public elementary and secondary schools that are not high schools), include all students, and disaggregate results for each subgroup of students. The indicator must also be valid, reliable, and statewide, and allow for meaningful differentiation in school performance.

Examples of changes that an SEA may make to its Other Academic indicator include: (1) replacing the indicator with a new indicator, (2) if the SEA includes multiple measures, suspending the use of certain measures so long as it retains at least one indicator; and/or (3) modifying its methodology for calculating its indicator. For example, if an SEA determines that one or more of its Other Academic indicators no longer sufficiently reflects the SEA's context,

priorities, and needs for the 2021-2022 school year or the SEA does not have sufficient data to calculate the indicator, the SEA may amend its ESEA consolidated State plan to replace the indicator with a new one that meets the requirements to be an Other Academic indicator, such as by using opportunity to learn (OTL) data to better capture the impact of COVID-19 on schools and students. (See question B-14).

Please see question A-3 for whether to submit an Addendum or a State plan amendment.

**B-8. What discretion does an SEA have related to using measures of student growth for its indicators?**

An SEA may submit an amendment request to revise its methodology for calculating a measure of student growth. For example, if an SEA is proposing changes to a measure of student growth used in its Academic Achievement indicator for high schools only, Other Academic indicator for elementary and middle schools that are not high schools, or SQSS indicators, the SEA may choose to use earlier years of data compared to data from the 2021-2022 school year. An SEA might consider using a cohort-based measure, rather than an individual student growth measure. An SEA might also look at including changes in student performance across all levels (e.g., changes from below basic to basic, from proficient to advanced).

Alternatively, for the Other Academic or SQSS indicator, the SEA may decide to temporarily replace student growth with another valid and reliable statewide indicator that allows for meaningful differentiation in school performance. For example, an SEA may determine that, due to the impact of COVID-19, for the 2021-2022 school year it cannot calculate a growth measure with sufficient validity, reliability, and comparability across schools and subgroups and therefore needs to make a temporary adjustment to its accountability indicators. The SEA may choose to maintain the indicator it is using to replace student growth as an additional indicator after it incorporates growth back into its accountability system.

**B-9. What should an SEA consider regarding data quality from the 2020-2021 school year for measures of student growth?**

The Department encourages each SEA that currently uses student growth in one or more of its indicators, as soon as possible, to evaluate its data from the 2020-2021 school year (e.g., participation rates, match rates, data quality issues). If an SEA determines that it cannot calculate an indicator based on measures of academic growth with sufficient validity and reliability using data from the 2020-2021 school year or other available data, it should amend its ESEA consolidated State plan for the 2021-2022 school year to replace or modify that indicator. An SEA may consider the following questions when determining whether to use a measure of student growth:

- Are the data sufficiently complete (e.g., assessment participation rates for school year 2020-2021 for all students and each subgroup; match rates if the SEA's growth model includes student-level longitudinal results)?
- Are the data sufficiently comparable across years considering student demographics (e.g., have there been large changes in enrollment overall or in numbers of economically disadvantaged students that would impact comparisons across years)?

- Are the data sufficiently comparable across years considering test forms and administration (i.e., for SEAs that exercised flexibilities for test administration in 2020-2021, such as shorter tests, longer testing window, and moving testing from spring to fall 2021)?
- Are there significant inequities in the quality or completeness of the data (e.g., are data quality issues spread unevenly across the State by student subgroups, grade levels or geographic regions)?

**B-10. May a State modify its methodology to calculate an indicator using the “best of” two or more data points on an individual student basis?**

No. An indicator that is calculated using different data for different students and schools is not comparable or statewide and, therefore, not consistent with the ESEA. For that reason, the Department has not approved a State plan or amendment that includes an indicator that is calculated using the higher of, or best of, two different data sources (e.g., calculate student academic growth using the higher of each individual student’s growth from 2018-2019 compared to 2021-2022 or 2020-2021 compared to 2021-2022). While a State may average data across multiple years, if it chooses, it must maintain a consistent approach for calculating each indicator for all students.

**B-11. May an SEA modify its methodology for calculating its Graduation Rate indicator?**

Yes. An SEA may submit an amendment to modify its methodology for calculating its Graduation Rate indicator consistent with the requirements in ESEA section 1111(c)(4)(B)(iii). This may include averaging rates across multiple years, using one or more extended-year ACGRs, and/or modifying the relative weighting of its four-year and any extended-year ACGRs it uses in calculating its Graduation Rate indicator.

Additionally, for purposes of calculating its ACGR, which is used for the Graduation Rate indicator, the Department understands that some SEAs have recently changed their requirements for a regular high school diploma to account for the impact of COVID-19. Any student who receives a regular high school diploma, or higher diploma, within four years from when the student first started grade 9 is counted as a graduate in the ACGR.

For the purposes of calculating the four-year or extended-year ACGR, ESEA section 8101(43) defines a “regular high school diploma” as the standard high school diploma awarded to the preponderance of students in a State that is fully aligned with State standards. A “regular high school diploma” may not be aligned to a State’s alternate academic achievement standards described in section 1111(b)(1)(E) and does not include a general equivalency diploma, certificate of completion, certificate of attendance, or any other similar or lesser credential. The term “regular high school diploma” also includes any “higher diploma” that is awarded to students who complete requirements above and beyond what is required for a State’s standard high school diploma. Changes to the regular high school diploma are at the discretion of the SEA. Please see question A-3 for whether to submit an Addendum or a State plan amendment.

**B-12. May an SEA modify its Progress in Achieving English Language Proficiency (ELP) indicator through the COVID-19 State Plan Addendum?**

Yes. An SEA has the discretion to revise its methodology for calculating the Progress in Achieving ELP indicator consistent with the requirements under ESEA section 1111(c)(4)(B)(iv). For example, if the SEA does not have ELP assessment data for a student from the 2020-2021 school year, it may elect to use the most recent data available to compare an English learner's ELP assessment results from the 2021-2022 school to determine whether the English learner made progress by the end of the 2021-2022 school year. Please see question A-3 for whether to submit an Addendum or a State plan amendment.

**B-13. May an SEA modify its School Quality or Student Success (SQSS) indicator or indicators?**

Yes. An SEA may modify its SQSS indicators consistent with the requirements under ESEA section 1111(c)(4)(B)(v). This may include, for example, replacing the indicator with a new one, modifying its methodology for calculating the indicator, or adding SQSS indicators to include indicators of student OTL and outcomes that provide meaningful measures of school performance, both in the short-term and the long-term.

For example, an SEA may choose to:

- Add a new indicator, which could include a measure of the impact of lost instructional time (or a measure of opportunity or performance gaps to help identify student groups most negatively impacted by COVID-19 and how they were impacted (see question B-16);
- Modify its methodology for calculating an indicator to take into account the changes to tracking attendance due to COVID-19 (e.g., modifying the definition of chronic absenteeism that is used in the SQSS indicator to address students who are temporarily attending school virtually or asynchronously due to isolation or quarantine) (see question B-15); or
- Modify its methodology for calculating college and career readiness indicators that include measures on a variety of metrics (see question B-14).

An SEA that uses one or more indicators that depends on prior-years' data should examine the quality of its data from the prior years as soon as possible to determine whether it will be able to calculate the indicator with sufficient validity and reliability or if it will need to modify or replace the indicator. An SEA must have at least one SQSS indicator for all schools (e.g., at least one SQSS indicator for all elementary schools, at least one for all middle schools, and at least one for all high schools), and must ensure that the indicator is valid, reliable, and comparable, statewide, and allows for meaningful differentiation in school performance. Please see question A-3 for whether to submit an Addendum or a State plan amendment.

**B-14. What should an SEA consider when adding, replacing, or making modifications to an SQSS indicator that measures college and career readiness?**

As previously noted, an SEA may modify its SQSS indicators, including college and career readiness indicators, consistent with the requirements under ESEA section 1111(c)(4)(B)(v). For example, if an SEA's college and career readiness indicator includes a variety of metrics, it may choose to modify its methodology by omitting some of the metrics where data are not available due to COVID-19. The SEA could also propose to average data from the 2021-2022 school year and prior-year cohorts on a temporary basis if necessary due to data concerns. Additionally, an SEA may choose to include new measures in its methodology such as participation, completion, and success in advanced coursework (e.g., Advanced Placement, International Baccalaureate, dual enrollment, early college programs, gatekeeper courses and STEM and career and technical education pathways) or students earning a seal of multiliteracy. An SEA may also choose to modify or add a new indicator related to postsecondary success, such as postsecondary enrollment, ability to skip remedial coursework, retention rates, and completion rates using data from State longitudinal data systems or other information collected directly or through a clearinghouse.

Finally, because COVID-19 has impacted the number of students enrolling in higher education, measuring student access to and completion of college and career-ready courses can help an SEA identify and provide needed supports for students and schools.

**B-15. May an SEA that uses chronic absenteeism as an SQSS indicator modify its definition of chronic absenteeism?**

Yes. As noted above, an SEA has the discretion to revise its definition and/or its methodology for calculating an indicator based on chronic absenteeism for one year through the COVID-19 State Plan Addendum. An SEA may want to revise its definition of attendance during the COVID-19 pandemic to differentiate between a student who is absent and receives no instruction versus a student who is quarantined but participating in remote instructional activities. For example, for reporting rates of chronic absenteeism to the Department (EDFacts File 195), a student absence is defined as *“a student who was not physically on school grounds and was not participating in instruction or instruction-related activities at an approved off-grounds location for at least half the school day. Chronically absent students include students who are absent for any reason (e.g., illness, suspension, the need to care for a family member), regardless of whether absences are excused or unexcused.”* For EDFacts purposes, based on this definition, if a student is quarantined and still participating in instruction for at least 50 percent of the school day, the student would not be counted as absent. An SEA may elect to modify its definition of attendance for an SQSS measure of chronic absenteeism so that the SQSS indicator best reflects the State's context.

Recent data indicate that enrollment and attendance both decreased, broadly, in the past year.<sup>1</sup> As a result, the ability to collect high-quality attendance data will help schools identify and support students during the school year and help the State identify schools for additional supports during

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<sup>1</sup> See “Census Bureau Data Reveal Decline in School Enrollment” available at <https://www.census.gov/newsroom/press-releases/2021/decline-school-enrollment.html?linkId=10000076275539>.

and after the school year. To do this, an SEA may choose to redefine its measure of chronic absenteeism to allow for examination by learning mode. An SEA may also continue to work with LEAs to build capacity for the collection and use of chronic absenteeism data. An SEA seeking information on best practices for collecting attendance data, addressing chronic absenteeism, and increasing student engagement should refer to the Department's Student Engagement and Attendance Center (SEAC) website: <https://oese.ed.gov/student-engagement-and-attendance-technical-assistance-sea-center/>.

#### **B-16. What may an SEA consider for use as an Other Academic or SQSS indicator?**

When considering new indicators for its accountability system, an SEA should consider what statewide and comparable data are available that may be used as an Other Academic or SQSS indicator for any grade span. Some examples of OTL measures, as described in the Department's COVID-19 Handbook, Volume 2: Roadmap to Reopening Safely and Meeting All Students' Needs (available at <https://www2.ed.gov/documents/coronavirus/reopening-2.pdf>), include, but are not limited to:

- A safe, healthy, and inclusive learning environment, as measured by chronic absenteeism; discipline rates (including in-school and out-of-school suspension) and expulsion rates.
- Access to qualified and supported educators, as measured by educator certification; educator effectiveness; and/or educator turnover rates.
- High-quality curricular and instructional design, as measured by advanced course participation and completion and post-secondary retention and/or remediation rates.
- Data reported through other Departmental collections such as the Civil Rights Data Collection (CRDC), which, among other things, collects information on harassment and bullying in schools.

As described above, an SEA must meet the requirements for the Other Academic and SQSS indicators in ESEA sections 1111(c)(4)(B)(ii) and (v), including the requirement to disaggregate each indicator by student subgroup and meaningful differentiation.

#### **B-17. May an SEA use indicators that are not statewide?**

No. ESEA section 1111(c)(4)(B) requires that each indicator that the SEA uses in its accountability system be statewide for all students in the State. This is important to ensure schools are evaluated consistently in the State accountability system. Non-statewide indicators, such as indicators based on local assessments, do not provide comparable information about the performance of schools for accountability purposes, including identifying schools for comprehensive, targeted, or additional targeted support and improvement. Data from these kinds of measures may be better suited to inform instruction or additional student and educator supports.

While not permissible for use in the accountability system, the Department encourages an SEA to consider all available data, including considering the use of measures that are not statewide, when reporting data publicly to provide contextual information to the public and to inform school improvement efforts.

**B-18. May an SEA revise its minimum number of students for accountability?**

Yes. An SEA may amend its minimum number of students for accountability. For example, an SEA may request to lower its minimum number of students in its ESEA consolidated State plan if it determines a lower number would ensure that more subgroups within schools are included in the accountability system. In its ESEA consolidated State plan, each SEA provided the minimum number of students it uses for accountability purposes, including a description of how the minimum number of students is statistically sound and how it was determined in consultation with educators, parents, and other stakeholders in the State, consistent with the requirements in ESEA section 1111(c)(3)(A). An SEA's minimum number of students impacts the number of schools, and subgroups within schools, for which indicators are calculated. In requesting a change, an SEA must provide a rationale for the change, including data on the impact on the number of schools and students in subgroups that would be included and excluded from its accountability system as a result of the change. Please note that any request to increase the minimum number of students a State uses for accountability purposes could result in the exclusion of students who have been disproportionately impacted by COVID-19 and make it more difficult to target resources and support as the ESEA intends.

**B-19. How may an SEA define student membership in the economically disadvantaged subgroup in the case where it cannot use its normal methodology?**

The ESEA requires each SEA to include the economically disadvantaged subgroup in its accountability system and publicly report results for this subgroup of students. The Department realizes, however, that many State data collection systems and processes have been impacted by COVID-19 over the past two years and an SEA may not be able to utilize its normal methodology for identifying this subgroup.

The ESEA provides an SEA the discretion to determine its measure to identify students in the economically disadvantaged subgroup for accountability under ESEA section 1111. Some SEAs have previously used National School Lunch Program (NSLP) data (i.e., counts of children identified through the NSLP's direct certification and household application processes) to identify students in the economically disadvantaged subgroup. If an SEA determines that NSLP data from the 2021-2022 school year are incomplete for fall 2022 accountability determinations, other examples of data sources the SEA may use for this purpose include:

- Poverty data other than NSLP data (e.g., Medicaid counts, Temporary Assistance for Needy Families counts, or other poverty data available to an SEA for State purposes);
- The best available NSLP data, which may be from the 2019-2020 school year;
- NSLP data from the 2020-2021 or 2021-2022 school year that may be accessible (e.g., counts of children identified through the NSLP's direct certification process, in schools that participate in the NSLP's Community Eligibility Provision (CEP) and schools that do not participate in CEP);
- A combination of the best available NSLP data from the 2019-2020, 2020-2021, and 2021-2022 school years; or
- Data from a poverty survey conducted by the SEA or LEA that replicate NSLP or other poverty data.

These examples also apply if an SEA has used a data source other than NSLP data and the SEA believes that data source is impacted by COVID-19.

For further discussion of poverty measures during COVID, see the *Fact Sheet (January 12, 2022), Successfully Implementing State-Administered Programs in the Elementary and Secondary Education Act of 1965 Without Complete National School Lunch Program Data from School Years 2020-2021 and 2021-2022* (available at <https://oese.ed.gov/files/2022/01/ED-USDA-Fact-Sheet-Revised-1-12-2022.pdf>).

## **C. SCHOOL IDENTIFICATION AND EXIT**

### **C-1. When is an SEA required to next identify schools for comprehensive support and improvement (CSI), targeted support and improvement (TSI), and additional targeted support and improvement (ATSI)?**

An SEA that received a waiver of the accountability and school identification requirements for the 2020-2021 school year assured that it would identify CSI, TSI, and ATSI schools using data from the 2021-2022 school year in fall 2022 to ensure school identification resumes as quickly as possible. This timely identification—followed by the required supports and assistance—is integral to an SEA meeting the requirements of the ESEA.

For additional information on the frequency at which schools must be identified for CSI, TSI, or ATSI, refer to Appendix A.

### **C-2. Must an SEA identify a completely new cohort of at least the lowest-performing five percent of Title I schools for CSI based on data from the 2021-2022 school year in fall 2022?**

ESEA section 1111(c)(4)(D)(i)(I) requires an SEA to identify not less than the lowest-performing five percent of schools each time it identifies CSI schools. An SEA must run its accountability system for purposes of identifying at least the current lowest-performing five percent of Title I schools in fall 2022 based on data from the 2021-2022 school year (i.e., an SEA may not refrain from running its 2021-2022 accountability system and simply carry over a previous year's list of identified schools). However, it may be the case that a school that is already identified for CSI as part of a previous cohort still falls within at least the lowest-performing five percent of Title I schools based on data from the 2021-2022 school year and is, therefore, included in the list of the lowest-performing Title I schools in fall 2022. If an SEA chooses to include previously identified schools in the cohort of schools identified for CSI in fall 2022, this does not impact the school's timeline for meeting exit criteria or needing to implement more rigorous State-determined action consistent with section 1111(d)(3)(A)(i)(I) of the ESEA (i.e., for schools previously identified, the time period for meeting exit criteria or implementing more rigorous State-determined actions does not restart in fall 2022).

### **C-3. May an SEA modify its methodology for identifying CSI, TSI, or ATSI schools?**

Yes. An SEA may modify its methodologies for identifying CSI, TSI, and ATSI schools consistent with the requirements under ESEA section 1111(c)(4)(D), ESEA section 1111(c)(4)(C)(iii), and ESEA section 1111(d)(2)(C)-(D).

**C-4. May an SEA modify its definition of a “consistently underperforming” subgroup for the purposes of identifying TSI schools in fall 2022 using the State Plan Addendum?**

The Department recognizes that most SEAs use multiple years of data to identify TSI schools based on consistently underperforming subgroups. An SEA may submit an amendment through the COVID-19 State Plan Addendum to modify its definition of “consistently underperforming” and/or its methodology to identify TSI schools due to consistently underperforming subgroups in fall 2022 so long as the SEA considers all indicators. For example, an SEA could average fewer years of data or use data from an earlier school year in combination with the data from the 2021-2022 school year or use a different methodology than used for CSI and ATSI (e.g., identify any school with a subgroup performing in the lowest 50 percent on the Academic Achievement, Other Academic, and Graduation Rate indicators first, followed by performance on the remaining indicators). An SEA may also modify its definition of “consistently underperforming” so that it uses data from the current year for some indicators (e.g., assessment data in the Academic Achievement indicator) and multiple years of data for other indicators (e.g., looking at performance on the Graduation Rate indicator over multiple years), provided it uses the same definition of “consistently underperforming” and methodology for identifying TSI for all public schools in the State.

The ESEA requires each State to provide support to underserved students. If an SEA is considering modifying its definition of “consistently underperforming” or methodology for identifying TSI schools, the Department encourages the SEA to ensure that any changes result in a similar number of subgroups in schools included in the accountability system and a similar number of schools being identified for TSI, compared to TSI determinations prior to COVID-19 and that it does not inadvertently result in the under-identification of schools with subgroups that most need support.

**C-5. May an SEA modify the frequency by which it identifies CSI and ATSI schools, so that after identifying schools in fall 2022, it may identify schools again in fall 2023 in order to resume implementation of its approved school identification methodologies as quickly as possible?**

Yes. An SEA may request a one-time change to its frequency of CSI and ATSI school identification using the COVID-19 State Plan Addendum so that it may identify schools in fall 2023 in order to resume implementation of its approved school identification methodologies in its ESEA consolidated State plan as quickly as possible. TSI schools must be identified annually; therefore, a State must identify TSI schools in both fall 2022 and fall 2023.

**C-6. When may a school currently identified for CSI or ATSI next exit such status?**

In an SEA that received a waiver of accountability requirements for the 2020-2021 school year, with the exception of a CSI school with a low graduation rate, a school may next exit improvement status following the 2021-2022 school year, based on data from the 2021-2022

school year. As part of the waivers of accountability and school identification requirements for school years 2019-2020 and 2020-2021, the SEA provided an assurance that each school identified in the 2019-2020 school year (i.e., any school that was in that status as of the 2019-2020 school year) would maintain that status in the 2020-2021 and 2021-2022 school years, implement its support and improvement plan, and receive appropriate supports and interventions. An SEA with an approved COVID-19 State Plan Addendum for the 2020-2021 school year may exit a school during the 2021-2022 school year that meets its approved exit criteria.

The waivers from accountability and school improvement requirements granted by the Department for the 2019-2020 and 2020-2021 school years did not waive the requirement to calculate and report ACGR(s) for the 2019-2020 or 2020-2021 school years. Therefore, an SEA may have the necessary data to determine if a school identified for CSI based on its graduation rate has met the State's criteria required for such school to exit (i.e., an improved graduation rate). An SEA may therefore exit a school identified for CSI based on graduation rate if the school meets the SEA's exit criteria for such schools.

**C-7. May an SEA modify its exit criteria to allow previously identified schools to exit after the 2021-2022 school year?**

Yes. The Department recognizes that an SEA's exit criteria may have been significantly impacted by COVID-19. An SEA may submit a State plan amendment through the 2021-2022 COVID-19 State Plan Addendum to modify its exit criteria that it will only apply to schools that are eligible to exit in fall 2022, provided the revisions are consistent with ESEA section 1111(d)(3)(A)(i), which requires that statewide exit criteria ensure continued progress to improve student academic achievement and school success in the State. Improved academic achievement and school success is vital for ensuring that underserved students receive the support they need consistent with the ESEA.

**C-8. May an SEA modify its exit criteria for schools identified for CSI or ATSI in fall 2022, including the State-determined number of years that the school has to meet the criteria before, for a CSI school, it must take a more rigorous State-determined action or, for an ATSI school, it is identified for CSI?**

Yes. An SEA may request to modify the exit criteria that schools identified in fall 2022 must meet in order to exit status provided the change is consistent with the requirements in ESEA section 1111(d)(3)(A)(i), as well as the State-determined number of years to meet the exit criteria using the COVID-19 State Plan Addendum. Please note that the State-determined number of years for schools identified for CSI to meet exit criteria may not exceed four years. Although an SEA may make this change through the COVID-19 State Plan Addendum, it will also be required to update its ESEA consolidated State plan in the future to reflect this change because it will extend beyond the 2021-2022 school year.

**C-9. May an SEA shift its timeline for the application of exit criteria for CSI and ATSI schools that were previously identified?**

Yes. ESEA section 1111(d)(3)(A)(i) requires that an SEA establish statewide exit criteria for schools identified for CSI that must be satisfied within a State-determined number of years not to exceed four years, and for schools identified for ATSI that must be satisfied within a State-determined number of years. An SEA has the discretion to shift all timelines for application of exit criteria for CSI and ATSI schools in its ESEA consolidated State plan forward up to two years (i.e., not count the 2019-2020 and/or 2020-2021 school years towards the number of years before a school has to take more rigorous State-determined action or, in the case of a Title I ATSI school, becomes a CSI school).

For example, if an SEA receives approval through the COVID-19 State Plan Addendum process to shift its timelines forward (i.e., not count the 2019-2020 and 2020-2021 school years toward the number of years an identified school has to meet exit criteria), an identified school that was previously considered to be in the third year implementing its support and improvement plan in the 2019-2020 school year, would continue to be in the third year implementing its support and improvement plan in the 2021-2022 school year. In this example, the following school year (2022-2023) would be the fourth year implementing its support and improvement plan, assuming the school does not meet exit criteria after the 2021-2022 school year.

**C-10. What resources are available to fund more rigorous State-determined action for a CSI school that does not meet exit criteria after a State-determined number of years?**

There are several resources that might support more rigorous actions for CSI schools that do not meet exit criteria after a State-determined number of years. These resources may include:

- ESSER funds to support school improvement activities as part of the response to and recovery from the pandemic;
- Title I, Part A funds under ESEA section 1113, as well as consolidated funds if the school participates in a Title I schoolwide program;
- Section 1003 school improvement funds;
- Funds under another Federal program (i.e., Title II, Part A, or Title IV, Part A) if the intervention is allowable under that program; or
- Other State and local funds.

In using any of these funding options, an SEA and LEA should consider actions that will build short- and long-term capacity and be sustained after the funding is no longer available.

## **D. SCHOOL SUPPORT AND IMPROVEMENT**

**D-1. What should an LEA or identified school consider when developing or updating its CSI, TSI, or ATSI support and improvement plan?**

Each school identified for CSI, TSI, or ATSI is required to have a support and improvement plan consistent with the requirements in ESEA sections 1111(d)(1)(B) and 1111(d)(2)(B)-(C) (see Appendix A. School Identification and Improvement Plan Requirements). Under ESEA section 1111(d)(1)(B)(vi), SEAs must monitor and periodically review support and improvement plans

for CSI schools. Under ESEA section 1111(d)(2)(B)(iv), LEAs must monitor the implementation of TSI and ATSI plans.

The Department recognizes that while the pandemic has impacted all communities, it has deepened pre-pandemic disparities in access and opportunities facing students of color, students from low-income backgrounds, multilingual learners, children experiencing homelessness, students with disabilities, and lesbian, gay, bisexual, transgender, queer, and intersex (LGBTQI+) students, with significant impacts on their learning as described in Department's Office for Civil Rights report *Education in a Pandemic: The Disparate Impacts of COVID-19 on America's Students* (available at <https://www2.ed.gov/about/offices/list/ocr/docs/20210608-impacts-of-covid19.pdf>). Therefore, the Department encourages SEAs, LEAs, and schools to address the impact of the pandemic and lost instructional time as part of the CSI, TSI, or ATSI support and improvement plan, including by updating existing support and improvement plans for schools that were previously identified. This could include leveraging additional Federal pandemic recovery funds and aligning school improvement efforts with evidence-based interventions to address lost instructional time using ARP ESSER funds.

The Department encourages SEAs to help LEAs and schools to focus on evidence-based approaches that have been demonstrated to be effective at improving opportunities and outcomes for students. Evidence-based strategies that address lost instructional time and support student learning include, but are not limited to: re-engaging students in their learning including by meeting the social, emotional, mental health, and academic needs of students and through such approaches as using high-quality assessment systems and high-quality tutoring efforts, and targeting resources and support; and providing information and assistance to families as they support students, including through home visits and information sharing. For more information, see *Strategies for Using American Rescue Plan Funding to Address the Impact of Lost Instructional Time* available at <https://www2.ed.gov/documents/coronavirus/lost-instructional-time.pdf>.

The Department also encourages SEAs, LEAs, and schools to include OTL measures and measures on the impact of COVID-19 as part of the school improvement planning process. This may include incorporating OTL or COVID-19 impact data in the needs assessments or in support and improvement plans as potential areas for improvement and in determining how to target evidence-based interventions, resources (including Federal pandemic recovery funds), and supports for schools. SEAs, LEAs, and schools may also consider using school quality reviews that look at a broad range of data and measures, such as instructional practices and perceptions of school leaders, teachers, students, and parents to inform the school improvement planning process.

Finally, meaningful educator and family engagement that reflects the diversity of and is representative of the school community (including specifically engaging stakeholders representing the applicable group(s) of students when a school is identified for TSI or ATSI) is vital.

**D-2. What resources are available to support SEAs, LEAs, and schools when developing support and improvement plans?**

The Department provides several resources for SEAs, LEAs, and identified schools to utilize when developing support and improvement plans.

- *Best Practices Clearinghouse*: The Clearinghouse is designed to support students, young children, families, teachers, early childhood providers, faculty, and staff as schools, early childhood education programs, and campuses continue to reopen following closures due to COVID-19. The Clearinghouse is a place to share and highlight best practices and lessons learned for operating safely during and after the pandemic submitted by teachers, early childhood providers, faculty, staff, schools, LEAs, institutions of higher education, other places providing educational instruction, and States.
  - <https://bestpracticesclearinghouse.ed.gov/resource-library.aspx>
- *ED COVID-19 Handbook Volume 2*: The COVID-19 Handbook is intended to support the education community as schools reopen for in-person learning. This series provides tools to aid educators in implementing the Centers for Disease Control and Prevention's (CDC's) Guidance for COVID-19 Prevention in K-12 Schools.
  - <https://www2.ed.gov/documents/coronavirus/reopening-2.pdf>
- *Supporting Child and Student Social, Emotional, Behavioral, and Mental Health Needs*: This resource is intended to supplement the information in the ED COVID-19 Handbooks by providing focused information and resources to enhance the promotion of mental health and social and emotional well-being among students.
  - <https://www2.ed.gov/documents/students/supporting-child-student-social-emotional-behavioral-mental-health.pdf>
- *Strategies to Address Lost Instructional Time*: This document outlines evidence-based strategies SEAs, LEAs, and schools should consider when addressing lost instructional time as a result of COVID-19. It complements the Department's COVID-19 Handbook: Volume 2 (listed above) by focusing on strategies to support state and local efforts in effectively using ARP ESSER funds to address the impact of lost instructional time on underserved and disproportionately impacted students.
  - <https://www2.ed.gov/documents/coronavirus/lost-instructional-time.pdf>
- *Using Evidence to Strengthen Education Investments*: This guidance is designed to help SEAs, LEAs, schools, educators, partner organizations, and other stakeholders successfully choose and implement interventions that improve outcomes for students.
  - <https://www2.ed.gov/policy/elsec/leg/essa/guidanceeuseinvestment.pdf>
- *Evidence-based practices in school improvement*: This webpage includes external resources that are organized to align with steps for strengthening the effectiveness of ESEA investments as outlined in the Department's non-regulatory guidance for strengthening education investments.
  - <https://oese.ed.gov/resources/oese-technical-assistance-centers/state-support-network/resources/evidence-based-practices-school-improvement-resource-links/>
- *State Support Network*: The State Support Network was a technical assistance initiative operating from 2016 to 2020 designed to support state and local school improvement efforts. This website is available to access free resources to support school improvement.
  - <https://oese.ed.gov/resources/oese-technical-assistance-centers/state-support-network/resources/>
- *Comprehensive Center Network*: The Comprehensive Centers provide capacity-building services to State educational agencies (SEAs), regional educational agencies (REAs),

local educational agencies (LEAs), and schools that improve educational outcomes for all students, close achievement gaps, and improve the quality of instruction.

- <https://compcenternetwork.org/>

### **D-3. How must SEAs, LEAs, and schools evaluate resource equity?**

The ESEA includes several important requirements that address resource equity. First, each SEA is required to periodically review resource allocation to support school improvement in each LEA that serves a significant number of CSI, TSI, and ATSI schools. The State and LEAs should establish plans for addressing any resource inequities that are uncovered as a result of the review. Second, the support and improvement plan for each school identified as CSI or ATSI must include a review of resource inequities and describe how any identified resource inequities will be addressed.

SEAs, LEAs, and schools should consider all educational resources when conducting resource allocation and resource inequity reviews. This should include all sources of funding, as well other resources such as access to qualified, experienced, and effective educators and support staff (e.g., nurses, counselors, social workers), instructional time (including the amount and how it is used), access to high-quality early learning programs and interventions, access to a rigorous and engaging curriculum (e.g., Advanced Placement, International Baccalaureate, dual enrollment, early college, foundational gateway courses and content, as well as access to the arts), and family engagement. Potential considerations for resource allocation reviews are available through the State Support Network at <https://oese.ed.gov/resources/oese-technical-assistance-centers/state-support-network/resources/resource-allocation-reviews-community-practice-summary/>.

### **D-4. May an SEA consider OTL measures as described in the Department’s *COVID-19 Handbook, Volume 2* when determining how to award ESEA section 1003 funds to support schools with the greatest needs?**

Under ESEA section 1003(f), when awarding ESEA section 1003 funds, an SEA must give priority to LEAs that serve high percentages of identified schools, demonstrate the strongest commitment to using the funds to enable schools to improve student achievement and outcomes, and demonstrate the greatest need. In determining which LEAs have the greatest need, the SEA may consider OTL data to better understand the context for student performance, including CRDC data and additional measures related to COVID-19, such as chronic absenteeism. In addition, LEAs and schools are encouraged to include OTL measures and data on the impact of COVID-19 as part of their section 1003 school improvement plans as they are identifying areas for improvement and determining how to target evidence-based interventions, resources, and supports for schools. An SEA should also consider opportunities to leverage and align additional resources such as Federal pandemic recovery funds when awarding section 1003 funds.

### **D-5. May a CSI, TSI, or ATSI school in an LEA that applied for and received ESEA section 1003 funds on behalf of the school modify how it uses the funds to address**

**school improvement needs related to COVID-19 (i.e., to use funds in ways not planned for in its original application)?**

Yes. The Department encourages schools and LEAs to regularly evaluate their school improvement efforts. In particular, the Department recognizes that, due to the challenges schools have faced due to COVID-19, a school may want to revise its school improvement plan to address the impact of lost instructional time and/or other concerns that may have been exacerbated by the pandemic. The Department encourages an SEA, if it has not done so already, to establish a process to allow an LEA to amend its original application to modify how it uses funds to support school improvement, provided the LEA continues to meet the requirements in ESEA section 1003 and such use is consistent with the school's support and improvement plan required under section 1111(d).

**D-6. What are examples of allowable uses of ESEA section 1003 school improvement funds that may address issues related to COVID-19?**

Activities funded with ESEA section 1003 funds should align with the identified school's needs. Some examples of allowable uses of ESEA section 1003 funds include:

- Implementing interventions to address the impact of lost instructional time, such as personalized instruction that may include tailored acceleration, high-quality intensive tutoring, and summer bridge programs.
- Creating a trauma-informed school environment that addresses the needs of students and staff experiencing the symptoms of traumatic stress.
- Implementing an integrated multi-tiered system of supports (MTSS) framework.
- Establishing early warning indicator (EWI) systems to promote targeted and timely engagement strategies in response to data.
- Providing college and career pathways that integrate enrollment, support, and success in rigorous academic coursework, career and technical education, work-based learning, and student support services.
- Leveraging tools that allow teachers to understand and cultivate students' social and emotional development by measuring school climate, integrating social and emotional learning into instructional practices and design, providing social and emotional supports, and reducing school exclusions.
- Establishing school-based wellness teams comprised of representatives from administration, teachers, and counseling, nursing, and support staff.
- Increasing access to mental health services.
- Building and maintaining a cadre of high-quality substitute teachers, including through partnerships with teacher preparation programs.

Please see the *COVID-19 Handbook, Volume 2* (available at: <https://www2.ed.gov/documents/coronavirus/reopening-2.pdf>), the *Return to School Roadmap* (available at <https://sites.ed.gov/roadmap>), and *Strategies for Using American Rescue Plan Funding to Address the Impact of Lost Instructional Time* (available at <https://www2.ed.gov/documents/coronavirus/lost-instructional-time.pdf>), for more resources to support activities that address the impact of COVID-19.

**D-7. May ESEA section 1003 funds be used to pay for current or additional school-based staff (e.g., instructional and non-instructional staff, mental health staff, school nurses, school counselors)?**

Yes. ESEA section 1003 funds may be used to stabilize and support the current educator workforce. For example, an LEA may use these funds to implement interventions such as high-quality mentor programs, access to instructional coaches, and professional development opportunities to help educators and staff build more equitable and inclusive approaches to discipline or content area supports in career and technical education (CTE), science, technology, engineering, and math (STEM), special education, and bilingual education. Activities supported with these funds must be consistent with a school's support and improvement plan.

ESEA section 1003 funds may also be used to hire additional school-based staff. Hiring certain staff should be aligned with the identified school's needs. A school should consider how to use the funds in ways that will build its short- and long-term capacity and be sustained without section 1003 funds.

Please note that under ESEA section 1003(e)(2), each school that is served under section 1003 must receive all of the State and local funds it would have received in the absence of the section 1003 funds.

**D-8. May an SEA extend the duration of a subgrant to an LEA under section 1003 from four years to five years?**

Absent an approved waiver, an SEA may not extend the duration of a subgrant to LEA under section 1003 from four to five years. Under ESEA section 1003(c), an SEA may award section 1003 funds to an LEA to support an identified school for up to four years. The Department recognizes that some CSI, TSI, and ATSI schools are currently in the fourth year of the subgrant period and, due to COVID-19 school closures, virtual learning, and other related impacts of the pandemic, would benefit from additional time to implement the school improvement interventions they had planned.

Consequently, an SEA may request a waiver to extend the allowable duration of the subgrant period from four to five years for LEAs with schools that were implementing ESEA section 1003 subgrants in school year 2020-2021, as needed. Extending the subgrant period from four to five years will allow currently funded CSI, TSI, and ATSI schools to complete the work in their school support and improvement plans and to revise their budgets and approaches to address known and yet-to-be determined impacts of COVID-19. This waiver request must meet the requirements of ESEA section 8401 and be submitted separately from the COVID-19 State Plan Addendum.

**D-9. What options are available to an SEA that has unused section 1003 funds after awarding funds to its CSI, TSI, and ATSI schools in amounts that are sufficient to meet their needs?**

Under ESEA section 1003(b)(1)(A), an LEA with one or more schools identified for CSI, TSI, or ATSI may receive funds the SEA reserves under ESEA section 1003 to serve those schools. If an SEA has unused section 1003 funds after awarding funds to support and meet the needs of all of its identified schools, it could consider:

1. Working with identified schools to reassess their support and improvement plans to intensify or otherwise modify interventions and award additional funds to support the modified interventions. Note that an SEA may assist LEAs with reassessing the schools' needs and effectiveness of the selected interventions at any time. An SEA may request regional comprehensive center support for this work.
2. Providing funds to LEAs with eligible schools that did not receive funds in a prior school year, regardless of the year in which the schools were first identified.
3. Carrying over fiscal year (FY) 2021 funds (funds that became available July 1, 2021) and using those funds along with FY 2022 funds to support newly identified schools in fall 2022. Note that the period of availability for the FY 2021 section 1003 school improvement funds would remain the same (i.e., until September 30, 2023).
4. Re-allocating the remaining section 1003 funds after consultation with LEAs under ESEA section 1003(g). Once reallocated, the funds are subject to all Title I requirements, including equitable services. When reallocating unused section 1003 funds, the ESEA provides an SEA the choice to:
  - Award funds to all Title I LEAs based on the amount of Title I funds each LEA received from the SEA relative to the amounts other LEAs received; or
  - Award funds to LEAs that need additional funds based on criteria established by the SEA consistent with section 1126(c) (e.g., data demonstrating the impact of lost instructional time, or summative assessment data from the 2020-2021 school year).

## **E. STATE AND LOCAL REPORT CARDS**

### **E-1. What information will be required for State and local report cards based on data from the 2021-2022 school year?**

State and local report cards are important tools for promoting full transparency and making critical data available to students, families, educators, and the public in ways that are easy to understand and use. State and local report cards that are published for the 2021-2022 school year must be widely accessible to the public and include all data elements that are required in ESEA section 1111(h)(1)-(2), including per-pupil expenditure information and disaggregated assessment results and participation rates. For a complete checklist of all State and local report card elements, see Appendix A in the Department's *Opportunities and Responsibilities for State and Local Report Cards under the Elementary and Secondary Education Act of 1965, as amended by the Every Student Succeeds Act (2019)* (available at <https://www2.ed.gov/policy/elsec/leg/essa/report-card-guidance-final.pdf>).

An SEA also may want to include an interpretive guide to accompany various data points that may have been impacted by COVID-19. The Department encourages an SEA to provide such guidance in a way that maximizes transparency for all stakeholders. For example, an SEA may

consider adding an introductory section that includes information on key metrics and/or subgroups that may have been impacted by COVID-19 that can help parents and other stakeholders quickly access and understand such information and provide additional context for such data on the State and local report cards.

An SEA may also provide the report card on an interactive platform that allows users to see how high-level State and LEA data may have been impacted by COVID-19 and allows the user to access additional information within that category through drop-down menus or other interactive tools. This kind of platform, or dashboard, can allow the user to view additional data on specific categories of equity indicators (e.g., course and program offerings and access, educator quality), view performance on these indicators by subgroup, and view growth in performance on each of these measures, in a format that is nuanced, transparent, and actionable.

**E-2. May an SEA or LEA use a different report card style or format to report data from the 2021-2022 school year than it used for reporting data from prior school years?**

Yes. ESEA section 1111(h)(1)(B) and (h)(2)(B) requires that State and local report cards be concise, presented in an understandable and uniform format, and accessible to the public. Beyond these requirements, SEAs and LEAs have flexibility to use the report card style or format they determine to be most effective in presenting information to stakeholders, including parents. An SEA may choose to develop a different report card style or format for one or more years in order to provide more context, data, or information to stakeholders relevant to the COVID-19 pandemic (e.g., developing a COVID-19 Report Card that includes the required information, as well as other measures specific to the 2021-2022 school year). For data visualization examples an SEA may consider, refer to Appendix B of the Department's *Opportunities and Responsibilities for State and Local Report Cards under the Elementary and Secondary Education Act of 1965, as amended by the Every Student Succeeds Act* (available at <https://oese.ed.gov/files/2020/03/report-card-guidance-final.pdf>). Appendix B includes examples of information presented in thematic views that employ filters for student demographics and school year, a display of student performance assessment data, and a display of per-pupil expenditure data.

**E-3. Must an SEA update the description of its accountability system to reflect changes to the accountability system for the 2021-2022 school year?**

The ESEA requires each State and local report card to include a clear and concise description of the State's accountability system, including all information required under section 1111(h)(1)(C)(i) of the ESEA. If an SEA has amended its accountability system for the 2021-2022 school year due to COVID-19, or for any other reason, the description of the State's accountability system must reflect any updates.

**E-4. What should a State consider when reporting assessment data from the 2020-2021 school year?**

The Department encourages an SEA, when posting statewide assessment results for the 2020-2021 school year, to prominently and in plain and accessible language provide information about

the context of the data. For example, in a situation where participation rates are low, uneven across student groups, or both as a result of the pandemic, the results should include clearly worded context that such data are incomplete and, where applicable, are not representative of the make-up of the State, LEA, or school population. As always, assessment data should be viewed alongside other important measures of student outcomes and opportunity to learn data to provide a more complete perspective on resources, support, and student success. In addition, a State should consider whether any specific information about the context of assessment data from the 2021-2022 school year should be provided on the SEA and LEA report cards in an easily visible manner based on the State's circumstances.

#### **E-5. What additional information might an SEA include on its State report card?**

An SEA may include on its State report card any additional information it believes will best inform parents and families, students, and other members of the public about the progress of each elementary and secondary school, consistent with ESEA section 1111(h)(1)(C)(xiv). The Department encourages SEAs to consult with stakeholders in order to determine what additional information should be included on report cards. To increase the utility of report cards, many SEAs are taking advantage of the full range of available data and are producing more comprehensive State report cards that extend beyond the required elements.

Due to the COVID-19 pandemic, an SEA may find it particularly useful to include additional data on its report cards. For example, as part of the waiver that SEAs received regarding the accountability, school identification, and related reporting requirements for the 2020-2021 school year, the SEA assured that it would make publicly available the following data elements, which could be included on State report cards:

- 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); and
- 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.

An SEA might consider including these same data on the report cards for the 2021-2022 school year.

Reporting on student performance on the statewide summative assessment across performance levels (e.g., the percentage of students who increase a performance level, including by student subgroup) may provide additional useful information for parents, educators, and the public.

An SEA may also consider publicly reporting any OTL data it collects during the 2021-2022 school year. This may include data on safe, healthy, and inclusive learning environments; access to qualified and supported educators; and high-quality curricular and instructional design (see page 28 of the ED COVID-19 Handbook: Roadmap to Reopening Safely and Meeting All Students' Needs available at <https://www2.ed.gov/documents/coronavirus/reopening-2.pdf>). Further, an SEA might include information regarding the health and safety of students, such as the number of students and staff in quarantine or the number of COVID-19 cases, or information

related to ESSER funds, such as the amount of funds used for the broad range of activities listed in section 18003(d) of the Coronavirus Aid, Relief, and Economic Security (CARES) Act, section 313(d) of the Coronavirus Response and Relief Supplemental Appropriations (CRRSA) Act, 2021, and section 2001(e) of the American Rescue Plan (ARP) Act of 2021.<sup>2</sup>

When considering optional information to include, the ESEA requires an SEA to ensure that such information does not reveal personally identifiable information about individual students or staff.

**E-6. Have there been any changes to the requirements in ESEA section 1111(h)(1)(C)(viii) and (h)(2)(C) regarding the data that an SEA and LEA must report from the Civil Rights Data Collection (CRDC) on their school year 2021-2022 report cards?**

No. See Section F of the Department’s non-regulatory guidance on report cards for a complete description of the CRDC information that must be reported on State and local report cards (available at <https://www2.ed.gov/policy/elsec/leg/essa/report-card-guidance-final.pdf>).

SEAs and LEAs must include the most current CRDC data on report cards. The Department released 2017-2018 CRDC files specific to each State in order to ensure the data on report cards is consistent with the data that the Department makes publicly available and to safeguard student privacy, while reducing burden for States. These State-specific files can be found here: <https://eddataexpress.ed.gov/resources/reports-and-files/crdc-state-files>. The next CRDC data will be for the 2020-2021 school year and LEAs will begin submitting data to the Department in December 2021.

In addition to CRDC data, an SEA and LEA may also consider reporting other, more recent data they have collected related to the CRDC data elements and may consider using those data to inform school improvement efforts and how resources can effectively be used to address inequities in student opportunities and outcomes. For example, student, staff, and family survey data; data related to meeting student social, emotional, and mental health needs, such as access to nurses and social workers; educator supports, such as mentorship or induction programs; evidence-based professional development and leadership opportunities; and student access to project-based, experiential learning opportunities can provide insight into how resources should be targeted and used.

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<sup>2</sup> For more information, see the Departments Frequently Asked Questions about the Elementary and Secondary School Emergency Relief Programs and Governor’s Emergency Education Relief Programs available at [https://oese.ed.gov/files/2021/05/ESSER.GEER\\_FAQs\\_5.26.21\\_745AM\\_FINALb0cd6833f6f46e03ba2d97d30aff953260028045f9ef3b18ea602db4b32b1d99.pdf](https://oese.ed.gov/files/2021/05/ESSER.GEER_FAQs_5.26.21_745AM_FINALb0cd6833f6f46e03ba2d97d30aff953260028045f9ef3b18ea602db4b32b1d99.pdf).

## Appendix A. School Identification and Improvement Plan Requirements

Category	Description	Plan requirements
Comprehensive support and improvement (CSI): Low performing ESEA section 1111(c)(4)(D)(i)(I)	Not less than the lowest performing 5 percent of all <b>Title I</b> schools.  These schools must be identified at least every three years.	For each identified, school, the LEA must develop a plan that is reviewed and approved by the school, LEA, and State that: (1) Is informed by all indicators in the accountability system; (2) Includes one or more evidence-based interventions; (3) Is based on a needs assessment; and (4) Identifies resource inequities to be addressed through implementation of the plan. <i>ESEA section 1111(d)(1)(B)</i>
Comprehensive support and improvement (CSI): Low graduation rate ESEA section 1111(c)(4)(D)(i)(II)	All public high schools in the State ( <b>Title I and non-Title I</b> ) failing to graduate one third or more of their students  These schools must be identified at least every three years.	
Comprehensive support and improvement (CSI): Not exiting additional targeted support and improvement (ATSI) status ESEA section 1111(c)(4)(D)(i)(III)	<b>Title I</b> schools that were previously identified for additional targeted support and improvement (ATSI) and that did not meet the statewide exit criteria for ATSI schools within the number of years determined by the State.  These schools must be identified at least every three years.	
Targeted support and improvement: Consistently underperforming subgroup(s) (referred to as TSI) ESEA section 1111(c)(4)(C)(iii)	Public schools ( <b>Title I and non-Title I</b> ) with one or more subgroups that meet the State’s definition of consistently underperforming.  These schools must be identified annually.	The school must develop a plan that is reviewed and approved by the school and LEA that: (1) Is informed by all indicators in the accountability system; and (2) Includes one or more evidence-based interventions. <i>ESEA section 1111(d)(2)(B)</i>
Targeted support and improvement: Additional targeted support and improvement (ATSI) ESEA section 1111(d)(2)(C)	Public schools ( <b>Title I and non-Title I</b> ) with one or more subgroups performing as poorly as the lowest performing 5 percent of Title I schools identified for CSI.  The State determines the frequency with which these schools are identified.	The school must develop a plan that is reviewed and approved by the school and LEA that: (1) Is informed by all indicators in the accountability system; (2) Includes one or more evidence-based interventions; and (3) Identifies resource inequities to be addressed through implementation of the plan. <i>ESEA section 1111(d)(2)(C)</i>