

Impact of COVID-19 on 2020 State and Federal Accountability and Reporting

In the 2019-2020 school year, events related to COVID-19 caused a substantial disruption to on-site instruction, assessment, accountability, and reporting. These events include the following:

- On March 11, 2020, Governor Asa Hutchinson declared a public health emergency in response to the first presumptive case of COVID-19 in Arkansas.
- On March 12, 2020, the U.S. Department of Education (ED) released a Fact Sheet: [Impact of COVID-19 on Assessments and Accountability under the Elementary and Secondary Education Act](#).
- On March 12, the Governor ordered school closings for onsite instruction in Saline, Jefferson, Pulaski, and Grant counties until March 30. All public schools were ordered to close for onsite instruction beginning Tuesday, March 17.
- On March 19, Governor Hutchinson announced new measures to help limit the spread of the disease, including keeping public schools closed to onsite instruction through April 17.
- On March 20, 2020, states received a [Letter from Secretary DeVos](#) inviting States to request a waiver for assessment, accountability, and reporting. On March 23, 2020, the Division of Elementary and Secondary Education (DESE) submitted a letter to [Frank Brogan](#), Assistant Secretary for Elementary and Secondary Education, requesting a waiver from assessment, accountability, and reporting for School Year 2019-2020. The waiver was approved on March 27, 2020, by Frank Brogan ([approval letter](#)).
- On April 6, 2020, the Governor ordered public schools to close for onsite instruction for the remainder of School Year 2019-2020.

Because of these events, some items typically included in accountability and reporting are not available. Arkansas has been approved for multiple assessment, accountability, and reporting waivers because of the COVID-19 disruption. This document is intended to highlight which waivers have been received and the impact of each on accountability and reporting.

Snapshot of the Impact of these Waivers on LEAs and Reporting to the Public

Waiver	Impact on LEA	Impact on Accountability and Reporting to the Public
Assessment requirements in section 1111(b)(2): the requirements to administer all required assessments in school year 2019-2020.	No spring summative testing for ACT Aspire, DLM, or K-2 in 2020	No 2020 ESSA School Index Reports (federal): <ul style="list-style-type: none"> • 2020 ESSA School Index Scores • 2020 ESSA School Index Statistical Report

Waiver	Impact on LEA	Impact on Accountability and Reporting to the Public
		<p>No 2020 School Ratings or School Recognitions (state):</p> <ul style="list-style-type: none"> • Without statewide summative assessment scores for 2020, the state is unable to calculate school ratings or school recognitions for 2020. • No 2020 Annual School Rating Summaries
<p>Accountability and school identification requirements in sections 1111(c)(4) and 1111(d)(2)(C)-(D): the requirements that a State annually meaningfully differentiate all public schools and the requirements to identify schools for comprehensive and targeted support and improvement and additional targeted support and improvement based on data from the 2019-2020 school year.</p>	<p>No schools can exit identification in October 2020.</p> <p>Any school that is identified for comprehensive (CSI) or targeted support (TSI) and improvement or additional targeted support (ATS) and improvement in the 2019-2020 school year will maintain that identification status in the 2020-2021 school year and continue to receive supports and interventions consistent with the school's improvement plan in the 2020- 2021 school year.</p> <p>Districts receiving 1003 funds will continue to receive 1003 funds in 2020-2021. See the Title I School Improvement Allocations for the list of districts receiving funds: http://dese.ade.arkansas.gov/divisions/fiscal-and-administrative-services/lea-federal-funding/allocations</p>	<p>No changes to schools identified for comprehensive (CSI) or targeted support (TSI) and improvement or additional targeted support (ATS) and improvement for the 2019-2020 school year.</p>

Waiver	Impact on LEA	Impact on Accountability and Reporting to the Public
<p>Report card provisions related to certain assessments and accountability in section 1111(h) based on data from the 2019-2020 school year, namely:</p> <ul style="list-style-type: none"> • Section 1111(h)(1)(C)(i) (<i>accountability system description</i>). • Section 1111(h)(1)(C)(ii) (<i>assessment results</i>). • Section 1111(h)(1)(C)(iii)(I) (<i>other academic indicator results</i>). • Section 1111(h)(1)(C)(iv) (<i>English language proficiency assessment results</i>). • Section 1111(h)(1)(C)(v) (<i>school quality or student success indicator results</i>). • Section 1111(h)(1)(C)(vi) (<i>progress toward meeting long-term goals and measurements of interim progress</i>). • Section 1111(h)(1)(C)(vii) (<i>percentage of students assessed and not assessed</i>). • Section 1111(h)(1)(C)(xi) (<i>number and percentage of students with the most significant cognitive disabilities taking an alternate assessment</i>). • Section 1111(h)(2)(C) with respect to all waived requirements in section 1111(h)(1)(C) as well as 1111(h)(2)(C)(i)-(ii) (<i>information showing how students in a local educational agency (LEA) and each</i> 	<p>Public School Accountability reviewed the Non-regulatory Guidance for School Reports Cards (original document) and noted the sections that are waived and not waived: (see pink notes)</p> <p>https://drive.google.com/file/d/1bFZhtAAmILYXHLRkFvH3D5ey0U-BUxWs/view?usp=sharing</p>	<p>Abbreviated 2020 Arkansas School Report Card will be posted at https://myschoolinfo.arkansas.gov/SRC</p> <p>The following Report Card modules will be incomplete:</p> <ul style="list-style-type: none"> • Achievement-Assessments • Growth • School Quality and Student Success (SQSS) • College Readiness • School Performance • Alternatively Assessed • Crosstab-ACT Aspire • Crosstab-Growth • Long-Term Goals

Waiver	Impact on LEA	Impact on Accountability and Reporting to the Public
<i>school, respectively, achieved on the academic assessments compared to students in the State and LEA).</i>		

COVID-19 and the above waivers also have an impact on the following State Requirements:

Code	Impact on LEA	Impact on Accountability and Reporting to the Public
Ark. Code Ann. § 6-15-1402	Districts will post the abbreviated 2020 School Report Card on their district website no later than ten (10) days after the 2020 School Report Card is posted on the Division's website.	Abbreviated 2020 Arkansas School Report Card will be posted at https://myschoolinfo.arkansas.gov/SRC The following Report Card modules will be incomplete: <ul style="list-style-type: none"> • Achievement-Assessments • Growth • School Quality and Student Success (SQSS) • College Readiness • School Performance • Alternatively Assessed • Crosstab-ACT Aspire • Crosstab-Growth • Long-Term Goals
Ark. Code Ann. § 6-15-2101		No student performance scores are available for 2019-2020.

Code	Impact on LEA	Impact on Accountability and Reporting to the Public
		<p>No student growth scores are available for 2019-2020.</p> <p>Performance scores and student growth scores cannot be reported for 2019-2020.</p>
<p>Ark. Code Ann. § 6-15-2103 Ark. Code Ann. § 6-15-2105 Ark. Code Ann. § 6-15-2106 Ark. Code Ann. § 6-15-2108</p>		<p>No school performance category level can be determined or reported for 2019-2020.</p>
<p>Ark. Code Ann. §6-15-2107</p>	<p>No recognition funds will be available.</p>	<p>No student performance scores are available for 2019-2020.</p> <p>No student growth scores are available for 2019-2020.</p> <p>Recognition of schools cannot be ranked or reported.</p>
<p>Ark. Code Ann. § 6-15-2913</p>	<p>Districts identified (based on 2018-2019 data) as in need of coordinated support (level 3) and directed support (level 4) will continue to receive support during 2020-2021.</p>	
<p>Ark. Code Ann. § 6-15-2914</p>	<p>Districts identified (based on 2018-2019 data) as in need of coordinated support (level 3) and directed support (level 4) will post district support plans for 2020-2021 on their district website on or before September 1, 2020.</p>	



March 12, 2020

Fact Sheet: Impact of COVID-19 on Assessments and Accountability under the Elementary and Secondary Education Act

This fact sheet discusses the potential implications of novel coronavirus disease 2019 (COVID-19) on State assessment and accountability systems. This fact sheet also addresses other considerations regarding the use of Federal funds under the Elementary and Secondary Education Act of 1965, as amended (ESEA). We know that you are doing all in your power to support your districts and schools to ensure the health and well-being of students and educators. Like you, we are closely monitoring the situation around the country and will provide additional information as warranted. We encourage you to review information from the Centers for Disease Control and Prevention (CDC), which can be found on the U.S. Department of Education's (Department's) COVID-19 website at: <https://www.ed.gov/coronavirus>. In particular, the CDC has issued interim guidance to help K-12 schools and childcare programs plan for and prevent the spread of COVID-19 among students and staff. See *Interim Guidance for Administrators of US Childcare Programs and K-12 Schools to Plan, Prepare, and Respond to Coronavirus Disease 2019* available at: <https://www.cdc.gov/coronavirus/2019-ncov/specific-groups/guidance-for-schools.html>.

As you know, the ESEA requires each State to annually administer assessments in reading/language arts, mathematics, and science to all students in tested grades and to administer an annual assessment of English language proficiency to all English learners. The Individuals with Disabilities Education Act (IDEA) also requires that all students with disabilities be included in all general State and district-wide assessment programs, including assessments required under the ESEA. Under the ESEA, the results of the required assessments are combined with other indicators of a school's performance to produce a State's accountability determination for each public school. Spring is typically when most States administer their statewide assessments. As a result, we want to provide some general information for States and districts now. Importantly, we want you to know that the Department will work to support you during this situation and that you may reach out to us at any time to talk about individual situations.

Section 8401 of the ESEA (20 U.S.C. § 7861) permits the Secretary to grant waivers of certain ESEA requirements and, thus, allows the Department to provide some flexibility to schools, districts, and States that may be necessary due to the impact of COVID-19 on the provision of educational services. References to waivers in the paragraphs below refer to such 8401 waivers. Please note that States with Education Flexibility (Ed-Flex) program authority are not authorized to waive statutory or regulatory requirements related to standards, assessments, and accountability under section 1111 of the ESEA. The Department may, however, consider such waivers under the section 8401 waiver authority.

Assessments

The Department generally does not grant statewide waivers of assessment requirements under section 1111(b)(2) of the ESEA. The reason is that assessments provide important information to parents, educators, and the public about how well students are doing at mastering a State's content for each tested grade and subject. In cases where a school has been closed for a period of time, the assessment results still provide useful information about where individual students and groups of students will need support in the following school year. However, due to the unique circumstances that may arise as a result of COVID-19, such as a school closing during the entire testing window, it may not be feasible for a State to administer some or all of its assessments, in which case the Department would consider a targeted one-year waiver of the assessment requirements for those schools impacted by the extraordinary circumstances. States with schools that must close due to the COVID-19 may also want to consider whether it is possible to adjust or extend the testing window to accommodate as many students as possible, including students in schools that were closed for some period.

Accountability determinations

The ESEA affords each State the flexibility to design, within certain statutory parameters, an accountability system that best meets the needs of the State. Accordingly, impact from COVID-19 will affect each State's accountability system differently. If needed, the Department would consider a targeted one-year waiver of the requirement to identify a school for comprehensive or targeted support and improvement if the reason for the identification was related to the school being closed for a significant portion of the school year.

Accountability components

A State may be able to administer its assessments and may have data that it considers sufficient to produce accountability determinations but still require some flexibility around other components of its accountability system. Below we identify two areas that are most likely to be impacted by COVID-19, though we recognize that each State has a unique accountability system and that there may be other affected areas as well.

- 95 percent assessment participation rate
The ESEA requires that all students in the tested grades be assessed annually and requires that, when calculating the Academic Achievement indicator, the denominator be based on the number of students assessed in reading/language arts and mathematics or 95 percent of the student population, whichever is greater. We recognize that students may be absent during the test window, leading to a participation rate below 95 percent. In such a case, the Department would consider a targeted one-year waiver for an impacted school to not factor the participation rate into its Academic Achievement indicator.
- Chronic absenteeism
As noted above, a State has discretion in the design of its accountability system. One of the most common indicators that States have included in their accountability system is chronic absenteeism. This indicator is perhaps the most likely to be impacted by COVID-19 due to school closures or student absences. For this reason, the Department would consider a one-year waiver to exclude this indicator from a State's accountability system.

In addition to the potential impact on assessment and accountability systems, we recognize that districts could face challenges meeting certain ESEA fiscal requirements, such as: maintenance of effort; the requirement to obligate funds in the current Federal fiscal year for providing equitable services to eligible private school students, teachers, and families; and the limitation on carrying over no more than 15 percent of Title I, Part A funds. Should any of these issues or other topics be a concern, we encourage you to reach out to your contacts in the Department so that we can assist you. In addition, while this fact sheet focuses only on ESEA assessments and accountability, as earlier noted, the Department has created a website dedicated to COVID-19 information as it relates to many of our other programs at:

<https://www.ed.gov/coronavirus>. ED will regularly update this page as more information and resources become available.

If you or your staff have a question or concern about circumstances impacting your State or your districts and schools with regard to assessments; accountability; Title I, Part A fiscal issues; and other ESEA program concerns, please contact the Department at the following e-mail addresses.

- State-specific mailbox: [State].oese@ed.gov (e.g., Iowa.oese@ed.gov)
- Assessments: ESEA.Assessment@ed.gov
- Accountability and other Title I, Part A questions: OESE.titlei-a@ed.gov

Key Policy Letters Signed by the Education Secretary or Deputy Secretary

March 20, 2020

Dear Chief State School Officer:

I know you are facing unprecedented challenges right now, and I first want to commend you for the truly remarkable efforts you and your teams are making to help ensure learning continues for all of America's students. I appreciate the difficulty you face in ensuring a positive learning environment while providing for the health and safety of your students and staff. I also understand that the novel Coronavirus disease 2019 (COVID-19) has caused widespread school closures with much uncertainty about how to continue learning during the national emergency declared by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act. The U.S. Department of Education is committed to supporting you with every tool at our disposal and extending all flexibilities within our control.

Due to the extraordinary circumstances created by the COVID-19 pandemic and resulting school closures, I am providing flexibility to all States regarding the assessment and accountability requirements under the Elementary and Secondary Education Act of 1965 (ESEA), as amended by the Every Student Succeeds Act (ESSA). Given the widespread, extended school closures, I know many States will be unable to administer their statewide assessments to all students in the spring of 2020. As statewide accountability systems rely on fair, reliable and valid assessment results, I also recognize that States that do not administer their assessments will also not be able to annually meaningfully differentiate among public schools or identify schools for support and improvement, as required under section 1111(c)(4) and 1111(d)(2)(C)-(D) of the ESEA.

Therefore, pursuant to my authority under section 8401(b) of the ESEA, I am inviting your State to request a waiver, for the 2019-2020 school year, of the assessment requirements in section 1111(b)(2) of the ESEA, the accountability and school identification requirements in sections 1111(c)(4) and 1111(d)(2)(C)-(D), and certain reporting requirements related to assessments and accountability in section 1111(h).

Through these waivers, your State would not need to administer its statewide assessments to all students, to make annual accountability determinations, to identify schools for support and improvement, or to provide data on its State and local report cards for assessment and accountability information.

If your State is interested in receiving these waivers, please submit your request to OESE.Title-I-a@ed.gov. I am enclosing a streamlined template for your convenience that includes a checklist to designate the waivers your State desires. My staff is committed to providing a response within one business day to any State that submits a waiver request using this optional waiver template. In addition, your State need not complete public notification in advance of submitting its request, but rather may notify the public of the request and the opportunity to comment at the same time as your submission or closely following it. I recognize that you have many questions and will need additional supports, including the possibility of additional waivers, as you deal with the COVID-19 national emergency.

If you have additional questions or concerns, contact us at OESE.Title-I-a@ed.gov. I encourage you to continue to monitor information regarding COVID-19 from the Centers for Disease Control and Prevention at www.cdc.gov/coronavirus/ and at our website, www.ed.gov/coronavirus. Thank you for your continued commitment to our nation's students during these extraordinary circumstances.

Sincerely,

/s/

Betsy DeVos

Enclosure

cc: Council of Chief State School Officers
State Title I Directors
State Assessment Directors



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

March 27, 2020

The Honorable Johnny Key
Commissioner of Education
Arkansas Department of Education
Four Capitol Mall, Room 304A
Little Rock, AR 72201-1071

Dear Commissioner Key:

I am writing in response to Arkansas's request on March 20, 2020 that the U.S. Department of Education (Department) waive statewide assessment, accountability and reporting requirements in the Elementary and Secondary Education Act (ESEA) for the 2019-2020 school year due to widespread school closures related to the novel Coronavirus disease (COVID-19).

Specifically, Arkansas requested a waiver of the following:

- Assessment requirements in section 1111(b)(2) for the school year 2019-2020.
- Accountability and school identification requirements in sections 1111(c)(4) and 1111(d)(2)(C)-(D) that are based on data from the 2019-2020 school year.
- Report card provisions related to assessments and accountability in section 1111(h) based on data from the 2019-2020 school year. These include:
 - Section 1111(h)(1)(C)(i) (accountability system description);
 - Section 1111(h)(1)(C)(ii) (assessment results);
 - Section 1111(h)(1)(C)(iii)(I) (other academic indicator results);
 - Section 1111(h)(1)(C)(iv) (English language proficiency results);
 - Section 1111(h)(1)(C)(v) (school quality or student success indicator results);
 - Section 1111(h)(1)(C)(vi) (progress toward meeting long-term goals and measurements of interim progress);
 - Section 1111(h)(1)(C)(vii) (percentage of students assessed and not assessed);
 - Section 1111(h)(1)(C)(xi) (number and percentage of students with the most significant cognitive disabilities taking an alternate assessment); and
 - Section 1111(h)(2)(C) with respect to all waived requirements in section 1111(h)(1)(C) as well as 1111(h)(2)(C)(i)-(ii) (information showing how students in an LEA and each school, respectively, achieved on the academic assessments compared to students in the State and LEA).

After reviewing Arkansas's request, I am pleased to approve, pursuant to my authority under section 8401(b) of the ESEA, a waiver of the assessment, accountability and reporting requirements listed above for the 2019-2020 school year.

As part of this waiver, Arkansas assures that:

- Any school that is identified for comprehensive or targeted support and improvement or additional targeted support and improvement in the 2019-2020 school year will maintain that identification status in the 2020-2021 school year and continue to receive supports and interventions consistent with the school's support and improvement plan in the 2020-2021 school year.
- The State educational agency will provide the public and all LEAs in the State with notice of and the opportunity to comment on this request (*e.g.*, by posting information regarding the waiver request and the process for commenting, on the State website).

I know that you are doing all in your power to support your districts and schools to ensure the health and well-being of students and educators. Thank you for your dedication to this effort. If you have any questions about this waiver, please contact my staff at OESE.TitleI-a@ed.gov

Sincerely,

A handwritten signature in cursive script that reads "Frank T. Brogan". The signature is written in black ink and is centered on the page.

Frank T. Brogan
Assistant Secretary
for Elementary and Secondary Education