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January 15, 2021

Mr. Frank T. Brogan
Assistant Secretary of Elementary and Secondary Education
United States Department of Education
400 Maryland Ave., SW
Washington DC, 20202

Dear Mr. Brogan,

Pursuant to sec. 8401(a), (20 U.S.C. 7861), of the Every Student Succeeds Act (ESSA), Utah hereby requests the provision of a targeted, two-year waiver of the requirements of sec. 1111(d)(2)(A) of the Every Student Succeeds Act (ESSA), pertaining to the annual identification of schools for targeted support and improvement (TSI)/additional targeted support and improvement (ATSI) due to one or more student group(s) determined to be consistently underperforming.

Utah's definition of a "consistently underperforming" student group requires a school to maintain identification criteria for two consecutive years in order to demonstrate consistency in low performance for the student group. These criteria were applied beginning with identifications occurring in the Fall of 2018 on data from the 2016-2017 and 2017-2018 school years. Utah is one of many states that does not differentiate between TSI and ATSI at this time.

The Utah State Board of Education (USBE) requests that this targeted, two-year waiver of the above-referenced statutory requirements applies for TSI identifications utilizing data from the 2020-2021 school year. Utah considers a school to have a "consistently underperforming" student group if, for two (2) consecutive years, the overall accountability score of the subgroup, which includes all required indicators, falls at or below the lowest performing five (5) percent of all schools. An overall accountability score is calculated for each subgroup with a minimum of 10 students in a school. Schools with one or more consistently underperforming student groups are identified annually.

As a result of the waiver from accountability and school identification requirements in sections 1111(c)(4) and 1111(d)(2)(C)-(D) for the 2019-2020 school year, Utah did not have two (2) consecutive years of overall accountability scores and ratings with which to identify schools for TSI status in the Fall of 2020. Further, Utah is requesting an addendum to its ESEA Consolidated State Plan due to the COVID-19 national emergency. This addendum includes a provision that Utah will revise its system of annual meaningful differentiation so as not to calculate overall accountability scores and ratings for schools

based on data from the 2019-2020 or 2020-2021 school year due to the inability to calculate the academic progress, or growth, component for the Academic Achievement indicator, the Other Academic Achievement indicator for non-high schools, the School Quality and Student Success indicator, or the additional weight for growth of the lowest performing 25% of students. Utah has analyzed other methods of calculating student growth percentiles and annual targets considering missing assessment data from the 2019-2020 school year and determined such alternatives would not be suitable for use in the State's system of annual meaningful differentiation in 2020-2021.

The culmination of the 2020 waiver and the 2021 addendum results in the lack of two (2) consecutive years of data needed to identify schools for TSI/ATSI status in the Fall of 2021. Utah intends to maintain its definition of a "consistently underperforming" subgroup currently incorporated in its approved ESEA Consolidated State Plan to identify TSI/ATSI schools based on two consecutive years of data. Given this definition, Utah would not have the data necessary to identify schools for TSI/ATSI status until the Fall of 2023, based on data from the 2021-2022 and 2022-2023 school years.

Until new TSI/ATSI identifications can be made, Utah will continue to provide resources and support to those schools with student groups currently identified with TSI status in the same manner as identified in Utah's ESEA Consolidated State Plan. Schools that are not currently identified with TSI status may request technical assistance from the Utah State Board of Education.

The USBE will provide performance data that are available to schools for use in advancement of student achievement during these unprecedented times. All available data will be published on Utah's public school report card (<https://utahschoolgrades.schools.utah.gov>). These extraordinary times introduce new obstacles that must be addressed and overcome. Please know that Utah remains committed to supporting all students, including the needs of our most vulnerable populations. We appreciate your attention to this matter.

Sincerely,



Sydnee Dickson, Ed.D.
State Superintendent of Public Instruction
Utah State Board of Education

CC:

Dr. Patty Norman, Deputy Superintendent
Darin Nielsen, Assistant Superintendent
Dr. Rebecca Donaldson, Title I Coordinator
Ann-Michelle Neal, Accountability Specialist