



STATE OF HAWAII  
DEPARTMENT OF EDUCATION

P.O. BOX 2360  
HONOLULU, HAWAII 96804

OFFICE OF THE SUPERINTENDENT

June 17, 2021

TO: The Honorable Catherine Payne  
Chairperson, Board of Education

FROM: Dr. Christina M. Kishimoto  
Superintendent

A blue ink signature of Dr. Christina M. Kishimoto.

SUBJECT: **Board Action on Amendment of the Elementary and Secondary Education Act ("ESEA") Consolidated State Plan to Account for: Shifting Forward Timelines by One Year for Identifying Schools and Shifting Forward Timelines by One Year for Meeting Measurements of Interim Progress and Long-Term Goals Due to COVID-19**

1. EXECUTIVE SUMMARY

In February 2021, the U.S. Department of Education ("ED") offered states the opportunity to submit an accountability waiver for its Elementary and Secondary Education Act ("ESEA") Consolidated State Plan that would allow the following flexibilities: (1) shifting forward timelines by one year for identifying schools; (2) shifting forward timelines by one year for meeting measurements of interim progress ("MIPs") and long-term goals; (3) waiving the 95% participation rate penalty; and (4) waiving certain reporting requirements due to COVID-19.

The Hawaii Department of Education ("Department") recommends the Board of Education ("Board") approve this waiver request. A copy of the U.S. Department of Education 2021 ESEA Accountability Waiver Template request, submitted to the ED on May 26, 2021, is included as **Attachment A**. In addition, the presentation slide deck for the June 17, 2021, Board presentation is provided as **Attachment B**.

2. RECOMMENDATION

In accordance with federal direction and requirements, the Department is recommending approval of its waiver for the State Plan. This waiver allows the following flexibilities: (1) shifting forward timelines by one year for identifying schools, (2) shifting forward timelines by one year for meeting MIPs and long-term goals, (3) waiving the 95% participation rate penalty, and (4) waiving certain reporting requirements due to COVID-19.

To meet applicable School Year (“SY”) 2020-21 requirements, the Department has requested all of the flexibilities offered in the waiver and has provided assurances as required by the waiver.

3. RECOMMENDED EFFECTIVE DATE

Upon approval.

4. RECOMMENDED COMPLIANCE DATE

Upon approval by the ED.

5. DISCUSSION

a. Conditions leading to the recommendation:

On February 22, 2021, the ED invited, pursuant to section 8401 of ESEA, each State Education Agency to request a waiver, for SY 2020-21 accountability determinations, school identification, and certain related reporting requirements. This was offered in part to address the extraordinary circumstances of school campus closures in SY 2019-20, and the technical and instructional challenges facing students and teachers along with various learning modalities and blended models throughout SY 2020-21.

The waiving of these requirements allows states the option to forego SY 2020-21 assessment results for high-stake school identifications. As required under ESEA, schools have done a tremendous job at testing students during this pandemic, yet despite such efforts, there are concerns that participation rates will be lower and thus a less valid representation of each school’s true performance, and that academic achievement will be impacted by COVID-19 related factors beyond classroom instruction and learning.

b. Previous action of the Board and Committee(s) on the same or similar matter:

**June 20, 2017 - Board General Business Meeting, Action Item D**

<https://alala1.k12.hi.us/STATE/BOE/Minutes.nsf/a15fa9df11029fd70a2565cb0065b6b77a3a799c8ce54c150a2581620007efc5?OpenDocument>

The Board unanimously approved the Every Student Succeeds Act (“ESSA”) State Plan. The approval of the initial plan was a requirement for the submission of the plan to ED.

**September 19, 2019 - Board General Business Meeting, Superintendent’s Report**

<https://alala1.k12.hi.us/STATE/BOE/Minutes.nsf/a15fa9df11029fd70a2565cb0065b6b7/e5efc331444ff2620a258482007b0be5?OpenDocument>

During the Superintendent’s Update, changes to the ESSA State Plan and the ED’s request that the Department change its criteria and methodology for identifying subgroups under Targeted Support and Improvement (“TSI”) and Comprehensive Support and Improvement (“CSI”) designations were shared. Further, the Department made additional adjustments and

submitted its final designation to the ED for approval on September 16, 2019, based on public comments, feedback from leadership teams, and conversations with stakeholders.

**February 20, 2020 - Board General Business Meeting, Action Item M**

<https://alala1.k12.hi.us/STATE/BOE/Minutes.nsf/a15fa9df11029fd70a2565cb0065b6b7/92f91f8dde1d77230a258538008114a0?OpenDocument>

The Board approved the amendment to the State Plan regarding the methodology to identify schools with the lowest-performing subgroups for “Additional Targeted Support and Improvement and subgroups identified for “Targeted Support and Improvement-Consistently Underperforming.”

c. Other policies affected:

None.

d. Arguments in support of the recommendation:

On April 29, 2021, the waiver request was publicly posted on the Department’s website for public comment. Input from the public was gathered during an online survey utilizing an e-blast to over 33,000 Department’s teachers, administrators, and staff, along with postings on major social media sites. The survey was posted from April 29 through May 12, 2021. Prior to public posting, Webex presentation sessions with Q & A were held for the Department leadership and school principals and external stakeholders that included: the Department leadership; school principals; the Hawaii Government Employees Association (“HGEA”); the Hawaii State Teachers Association (“HSTA”); the Hui for Excellence in Education (“He’e”) Coalition; and Special Education Advisory Council (“SEAC”).

The public comment posting yielded a total of 57 individuals who responded to the question, “Please comment on the state addendum to its ESEA Consolidated State Plan.” Although optional, respondents who shared their affiliation included the following:

- Teachers;
- Parents;
- HIDOE employees; and
- Charter school employees.

Responses were categorized into the following seven categories:

- Support one or more aspects of the waiver;
- No testing. Test data “worthless”;
- Use test results as it’s important to see results during COVID;
- Don’t waive subgroup reporting;
- Teachers frustrated;
- Do not use Growth; and
- Teachers (schools) should have planned better.

The large majority (76%) of respondents supported the waiver request. The next most frequent responses were against testing and questioning the utility of test data (8%) and the importance of seeing test results during COVID-19 (8%).

e. Arguments against the recommendation:

None.

f. Other agencies or departments of the State of Hawaii involved in the action:

The Governor's Office reviewed the documents and provided no comments.

g. Possible reaction of the public professional organizations, unions, the Department staff, and/or others to the recommendation:

The individual Webex presentations and Q & A sessions with the following organizations were productive and generally supportive of the Department's waiver submission:

- Department Leadership;
- School Principals;
- The HGEA;
- The HSTA;
- The He'e; and
- The SEAC.

All questions pertaining to the waiver request were answered satisfactorily; however, issues that did not pertain directly to the waiver request were discussed as well and sometimes without immediate resolution, e.g., waiving SY 2020-21 statewide assessments, the reducing of minimum n-sizes for reporting and reliability, use of an unduplicated achievement gap methodology, and additional information for "vulnerable" students' access to devices and adequate connectivity. These issues have been shared with Department Leadership and will be discussed in the near future.

h. Educational implication:

Once approved, this waiver will ensure that the Department's production of ESSA school-identification data, required state ESSA report cards, and Hawaii Strive HI School and state performance results will meet federal expectations. Further, the Department will fully comply with the accountability and school identification timeline required by ESEA.

i. Personnel implications:

Not applicable.

j. Facilities implications:

Not applicable.

k. Financial implications:

No additional funding is required to comply with and implement the aforementioned addendum.

6. OTHER SUPPLEMENTARY RECOMMENDATIONS

None.

CMK:rl

Attachments: Attachment A - U.S. Department of Education 2021 ESEA Accountability Waiver  
Template

Attachment B - Elementary and Secondary Education Act (ESEA) Accountability  
Waiver for SY 2020-21

c: Office of Strategy, Innovation and Performance

## U.S. Department of Education 2021 ESEA Accountability Waiver Template

*This template is an example that may be used for the submission of a request for waivers of accountability, school identification, and related reporting requirements under the Elementary and Secondary Education Act of 1965, as amended. Note that a State educational agency is not required to use this template. For assistance on this accountability waiver template, or to discuss assessment flexibility that a State may need based on the specific circumstances within the State, please contact [OESE.TitleI-a@ed.gov](mailto:OESE.TitleI-a@ed.gov).*

The Honorable Ian Rosenblum  
 Deputy Assistant Secretary for Policy and Programs, Delegated the authority to perform the functions and duties of the Assistant Secretary for Elementary and Secondary Education  
 Office of Elementary and Secondary Education  
 U.S. Department of Education  
 400 Maryland Avenue, SW  
 Washington, DC 20202

Dear Deputy Assistant Secretary Rosenblum:

I am writing to request a waiver, pursuant to section 8401 of the Elementary and Secondary Education Act of 1965 (ESEA), of the following requirements as a result of ongoing challenges related to the novel Coronavirus Disease 2019 (COVID-19):

State: ***Hawaii***

*Please check all that apply:*

- Accountability and school identification requirements in ESEA sections 1111(c)(4) and 1111(d)(2)(C)-(D): the requirements that a State measure progress toward long-term goals and measurements of interim progress; meaningfully differentiate, on an annual basis, all public schools, including by adjusting the Academic Achievement indicator based on a participation rate below 95 percent; and identify schools for comprehensive, targeted, and additional targeted support and improvement based on data from the 2020-2021 school year.
- Report card provisions related to accountability in ESEA section 1111(h) based on data from the 2020-2021 school year. These include:
  - Section 1111(h)(1)(C)(i)(I)-(IV) and (VI) (*Accountability system description, other than the list of comprehensive, targeted, and additional targeted support and improvement schools*).
  - Section 1111(h)(1)(C)(iii)(I) (*Other Academic indicator results for schools that are not high schools*).
  - Section 1111(h)(1)(C)(v) (*School Quality or Student Success indicator results*).
  - Section 1111(h)(1)(C)(vi) (*Progress toward meeting long-terms goals and measurements of interim progress*).
  - Section 1111(h)(2)(C) with respect, at the local educational agency (LEA) and school levels, to all waived requirements in section 1111(h)(1)(C).

Consistent with the requirements of ESEA section 8401(b)(1)(C), describe how the waiving of such requirements will advance student academic achievement.

*Hawaii is requiring the administration of all statewide summative assessments for School Year (SY) 2020-21 including its English Language proficiency test.*

*The use of assessment data to assess the pandemic's impact on achievement and potential increases in achievement gaps and educational disparities are critically important. These data will help to assess the performance of our 'at-risk,' high-need students, and identify any student demonstrating disproportionate losses this school year. These data will help to inform strategies and approaches for providing supports and resources to these students. In addition, Hawaii, in collaboration with the Smarter Balanced Assessment Consortium, has added items to identify students' primary learning modality during this school year, extent of reliable internet connectivity, as well as items to gauge students' perceptions about their preparedness and performance given the challenges presented this school year.*

*This waiver encourages the use of SY 2020-21 assessment data for these important purposes but also addresses concerns that such results may not be a valid representation of school populations. By waiving the requirement to use these results for the identification of low-performing schools and subgroups for Fall 2021, validity concerns are alleviated and the importance of assessment results for supporting students can be reiterated to schools.*

Consistent with the requirements of ESEA section 8401(b)(1)(F), in order to maintain or improve transparency in reporting to parents and the public on student achievement and school performance in school year 2020-2021, including the achievement of subgroups of students, I assure that:

- The State will make publicly available chronic absenteeism data, either as defined in the State's School Quality or Student Success indicator, if applicable, or ED*Facts*, disaggregated to the extent such data are available by the subgroups in ESEA section 1111(c)(2), on State and local report cards (or in another publicly available location).
- The State will make publicly available 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.

*Since 2012-13, Hawaii has reported chronic absenteeism data and is the student success indicator under its ESSA Plan. Hawaii will continue to report chronic absenteeism across grades K – 12 statewide.*

*Since SY 2019-20, Hawaii has conducted a number of surveys assessing readiness and the impact of COVID-19 for teachers, students, parents/guardians, and school administrators. For SY 2020-21, Hawaii has designed a data dashboard to visually track, analyze and display key Board of Education approved COVID-19 related performance indicators on a quarterly basis through SY 2020-21.*

*The dashboard includes data on more than a dozen measures ranging from quarterly student grades and attendance to learning modes and student access to devices at three levels — statewide, by complex area, and by school. To see the dashboard and download data and other resources go to:*

*<https://www.hawaiipublicschools.org/ConnectWithUs/MediaRoom/PressReleases/Pages/dashboard-tracks-reopening-metrics.aspx>*

*As a result, Hawaii will report on student and teacher access to technology devices and the internet in conjunction with its State Report Card. However, these data are not available by ESSA subgroups.*

Consistent with the requirements of ESEA section 8401(b)(1)(F), in order to ensure that schools will continue to provide assistance to the same populations served by Title I, Part A (e.g., subgroups in section 1111(c)(2)), I assure that:

- Any school that is identified for comprehensive, targeted, or additional targeted support and improvement in the 2019-2020 school year (i.e., any school that was in that status as of the 2019-2020 school year), except for comprehensive support and improvement schools identified based on low graduation rates that meet the State's exit criteria, will maintain that identification status in the 2021-2022 school year, implement its support and improvement plan, and receive appropriate supports and interventions.

*Provide any additional information on how schools will continue to provide assistance to the same populations served by Title I, Part A here.*

*All HIDOE Title I schools operate Schoolwide Programs, and any school that is identified for comprehensive, targeted, or additional targeted support will continue to meet the needs of all students and subgroups of students through the implementation of the Academic Plan, which serves as their support and improvement plan.*

- The State will identify comprehensive, targeted, and additional targeted support and improvement schools using data from the 2021-2022 school year in the fall of 2022 to ensure school identification resumes as quickly as possible.

Consistent with the requirements of ESEA section 8401(b)(3)(A), prior to submitting this waiver, the State provided the public with notice and a reasonable opportunity to comment and provide input on this waiver request. The State considered the feedback and input in finalizing this request. The comments and input received, as well as the State's description of how it addressed the comments and input, are enclosed with this request.

Thank you for your consideration.

Sincerely,



Dr. Christina M. Kishimoto  
Chief State School Officer

Digital Signature

OR

Typed Name and Date

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By typing my name here, I am affirming submission of this waiver on behalf of the State.

**OMB Number:** 1810-0752

**Expiration Date:** September 30, 2021

**Public Burden Statement:** According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless such collection displays a valid OMB control number. The valid OMB control number for this information collection is 1810-0752. Public reporting burden for this collection of information is estimated to average 3 hours per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. The obligation to respond to this collection is voluntary. If you have any comments concerning the accuracy of the time estimate, suggestions for improving this individual collection, or if you have comments or concerns regarding the status of your individual form, application or survey, please contact the Office of School Support and Accountability, 400 Maryland Avenue, SW, LBJ Federal Office Building, Washington, DC, 20202 or [OESE.TitleI-a@ed.gov](mailto:OESE.TitleI-a@ed.gov).

# Elementary and Secondary Education Act (ESEA)

## Accountability Waiver for SY 2020-21

### Board of Education General Business Meeting

June 17, 2021

# Session Topics

- 1. What does the waiver offer?**
- 2. What does the waiver require?**
- 3. What is the impact of the waiver?**
- 4. What steps have been taken?**

# What Does the Waiver Offer?

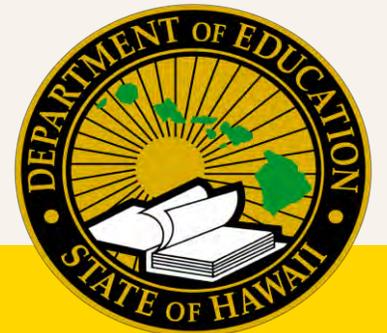
1. Waives the measuring of progress against long-term goals (until 2027) and measurements of interim progress (until 2022) in language arts and math proficiency, graduation rates, and English Learner Proficiency for English Learners.
2. Waives the “participation rate penalty” to language arts and math proficiency rates when participation drops below 95% of eligible students.
3. Waives the identification of low-performing schools and subgroups until Fall 2022:
  - Comprehensive Support and Improvement (CSI);
  - Additional Targeted Support (A-TSI); and
  - Targeted Support and Improvement (TSI), Consistently Underperforming (TSI-CU).
4. Waives certain reporting requirements for State Report Cards such as growth results and progress towards long-term goals and measurements of interim progress.

# What does the Waiver Require?

1. CSI and TSI schools will maintain identification status through the 2021-2022 school year, implement its support and improvement plan, and receive appropriate supports and interventions. However, states may exit CSI low-graduation rate schools based on the 2020 graduating cohort's graduation rate.
2. In addition to existing ESEA reporting requirements, the waiver reiterated the importance of reports assessment results and chronic absenteeism rates.
3. CSI and TSI schools must be identified in Fall 2022.
4. Data on student and/or teacher access to technology devices and internet connectivity to the extent such data are collected by the state.

# What is the Impact of the Waiver?

1. The waiver requires the reporting of assessment results, and therefore, it is important to provide accompanying contextual information such as participation rates and data on student learning modalities and connectivity. Such information can help readers understand other, non-instructional pandemic related factors affecting student achievement.
2. CSI/TSI supports include:
  - School improvement planning technical assistance;
  - Resources - including Complex Academic Officers or CSI-Resource Teachers, Title I Linker, guidance, tools, supportive partnerships with schools and complex areas;
  - Direct support to identified CSI schools through support and monitoring visits; and
  - Facilitated connections to HIDOE Tri-Level and external partner supports.
3. Public Comment process: Posted on April 29 through May 12, 2021, on [HawaiiPublicSchools.Org](https://www.hawaiipublicschools.org).



# What Steps Have Been Taken?

March 22, 2021: Superintendent's review and approval of the waiver submission

April 21 - 29, 2021: Presentations with questions and answers to Leadership, elementary and secondary principals, Special Education Advisory Council, Hui For Excellence in Education, the Hawaii State Teacher's Association, and the Hawaii Government Employees Association

April 29 - May 12, 2021: Public comment survey on HawaiiPublicSchools.Org for internal and external stakeholders

May 10, 2021: Memo to BOE Chair and letter to Governor's Office on the planned waiver submission and request for comments

May 26, 2021: Signed submission of waiver request to the U.S. Department of Education