

The Washington State Board of Education

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Title:	Elementary and Secondary Education Act Waivers	
As Related To:	<input type="checkbox"/> Goal One: Advocacy for an effective, accountable governance structure for public education <input type="checkbox"/> Goal Two: Policy leadership for closing the academic achievement gap <input type="checkbox"/> Goal Three: Policy leadership to increase Washington's student enrollment and success in secondary and postsecondary education	<input type="checkbox"/> Goal Four: Effective strategies to make Washington's students nationally and internationally competitive in math and science <input type="checkbox"/> Goal Five: Advocacy for policies to develop the most highly effective K-12 teacher and leader workforce in the nation <input checked="" type="checkbox"/> Other
Relevant To Board Roles:	<input checked="" type="checkbox"/> Policy Leadership <input checked="" type="checkbox"/> System Oversight <input type="checkbox"/> Advocacy	<input checked="" type="checkbox"/> Communication <input type="checkbox"/> Convening and Facilitating
Policy Considerations / Key Questions:	Key discussion includes: what are the benefits and drawbacks to pursuing a waiver from the Elementary and Secondary Education Act? How close is Washington to deciding whether to pursue a waiver?	
Possible Board Action:	<input checked="" type="checkbox"/> Review <input type="checkbox"/> Adopt <input type="checkbox"/> Approve <input type="checkbox"/> Other	
Materials Included in Packet:	<input checked="" type="checkbox"/> Memo <input type="checkbox"/> Graphs / Graphics <input type="checkbox"/> Third-Party Materials <input type="checkbox"/> PowerPoint	
Synopsis:	<p>In September, Secretary of Education Arne Duncan announced that because Congress had not yet succeeded in reauthorizing ESEA, the U.S. Department of Education would begin to grant broad waivers to states from some of the most contentious ESEA requirements, in exchange for a series of reforms similar to the expectations within Race to the Top and the Obama administration's Blueprint for Reform, its 2010 policy recommendations for reauthorization. Washington State is in the process of deciding whether to pursue a waiver.</p>	

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ELEMENTARY AND SECONDARY EDUCATION ACT WAIVERS

Background

Congress has attempted to reauthorize the Elementary and Secondary Education Act (ESEA) since it expired in 2007. Reauthorization efforts heated up in the spring of 2010, and at that time the Obama administration released its Blueprint for Reform, which is their policy recommendation for reauthorization. In September 2011, Secretary of Education Arne Duncan announced that because Congress had not yet succeeded in reauthorizing ESEA, the U.S. Department of Education would begin to grant waivers to states from some of the most contentious ESEA requirements, in exchange for a series of reforms similar to the expectations within Race to the Top and the Blueprint for Reform.

Washington State is in the process of deciding whether to pursue a waiver.

In October, the Senate Health, Education, Labor, and Pensions Committee held hearings on a reauthorization bill sponsored by the committee Chairman, Senator Tom Harkin, Democrat from Iowa and Ranking Member Senator Michael Enzi, Republican from Wyoming. The bill will continue to be debated in Senate hearings. Senator Harkin said that he believes it is possible that the bill could be approved by Congress before January 1, 2012, which would eliminate the need for state waivers to ESEA.

Summary

The U.S. Department of Education (USDOE) has communicated with states that their intent is to provide relief from the less popular elements of ESEA, but is not intended as a retreat from accountability. The intent is that states build their own robust accountability systems. This is not a competitive process, so all states that meet the required principles would receive a waiver. As of this writing, 42 states and territories have contacted USDOE to express intent to apply. This statement of intent is not binding but does indicate that the majority of states are interested.

States intending to apply by November 14, 2011	Colorado, Florida, Georgia, Indiana, Kentucky, Massachusetts, Michigan, Minnesota, Mississippi, New Jersey, New Mexico, North Carolina, North Dakota, Oklahoma, Tennessee, Vermont, Wisconsin
States intending to apply by mid-February, 2012	Arkansas, Arizona, Connecticut, D.C., Delaware, Hawaii, Idaho, Illinois, Iowa, Kansas, Maine, Maryland, Missouri, Nevada, New Hampshire, New York, Ohio, Oregon, Puerto Rico, Rhode Island, South Carolina, Utah, Virginia, Washington

The ESEA provisions that will be waived include:

- The 2014 deadline for all students to be proficient. Instead, states would set ‘ambitious but achievable’ goals.
- Sanctions built in to school improvement ‘steps’, including corrective action, restructuring, school choice, and supplemental educational services (SES, also referred to as tutoring), parental notification, and required set-asides for professional development. In the 2009-10 school year, according to OSPI, districts spent more than \$12 million on required sanctions including supplemental tutoring (\$10.7 million) and public school choice (\$1.7 million). If Washington receives a waiver, districts would not be required to spend these funds on required sanctions but would still have the flexibility to do so.
- Lower poverty thresholds for establishing a Title I school-wide program (versus focused assistance).
- More flexibility in using federal funds for rural schools and greater transferability to move federal funds among programs.

States are required to meet four principles to receive a waiver:

Principles	Washington Readiness
<p>1. College and career ready standards and assessments for all students</p> <ul style="list-style-type: none"> • Adopt college and career ready standards and assessments for all students in language arts and math. • Adopt new English Language Proficiency standards. • Articulate a plan for implementing new standards by 2013-14 school year, including how all students, including English Language Learners and students with disabilities, will access the learning aligned to standards. • Transition to new assessments and assess in grades 3-8 and at least once in high school by 2014-15. Include a student growth measure. 	<ul style="list-style-type: none"> ✓ Adoption of Common Core State Standards (CCSS). ✓ New English Language proficiency standards. ✓ Implementation plan for CCSS. ✓ New assessment system via participation in the Smarter Balanced Assessment Consortium (SBAC). ✓ Participation in SBAC will meet the requirement of a student growth measure.
<p>2. State-Developed, Differentiated Systems of Recognition, Accountability, and Support</p> <p>a) Design accountability system promoting career- and college readiness:</p> <ul style="list-style-type: none"> • Use multiple measures, including assessments and graduation rates. • Recognize student growth and school progress. • Align accountability with capacity-building efforts. • Provide interventions focused on lowest-performing schools and schools with the largest gaps (see CCSSO accountability principles). • Plan for implementation by 2012-13. • Report annually college going and college 	<p>The Index:</p> <ul style="list-style-type: none"> ✓ Already includes multiple measures including assessments and graduation rates. ✓ Already measures school progress (Improvement). ✗ Index needs data disaggregated by race/ethnicity, special education and English Language Learner status, as well as student growth. ✓ College going and college-credit accumulation rates for all students and subgroups –

<p>credit-accumulation rates for all students and subgroups in each district and high school.</p> <p>b) Three new options for annual measurable objectives:</p> <ul style="list-style-type: none"> • Annual increments toward reducing achievement gap within six years. • Equal increments with result of 100 percent proficiency by 2020. • Or other ambitious but achievable goals. <p>c) Reward schools for highest performance and high progress.</p> <p>d) Identify Priority Schools - lowest performing 5 percent of Title I schools - and implement interventions beginning 2012-13. SIG schools must still use one of four SIG turnaround models; however other Priority schools may use other turnaround strategies.</p> <p>e) Identify Focus Schools – 10 percent lowest Title I schools with largest gaps, lowest performing subgroups, or low graduation rates. States must require rigorous interventions by 2012-13.</p> <p>f) Incentives and support for other Title I schools for continuous improvement.</p>	<p>provided by ERDC.</p> <ul style="list-style-type: none"> ✗ Identify new annual measurable objectives to replace 100 percent proficient by 2014. ✗ State accountability system to identify Priority, Focus, Reward schools. ✗ System of interventions focused on Priority and Focus schools – presumably state-funded. ✗ Rapid implementation timeline by 12-13 – major funding challenge. ✗ Incentives and support for continuous improvement (similar language to HB 6696).
<p>3. Supporting Effective Instruction and Leadership through Educator Evaluation</p> <ul style="list-style-type: none"> • That is used for continual improvement of instruction. • Meaningfully differentiates performance using at least three levels. • Use multiple valid measures including student growth as a significant factor. • Provide timely, clear, and useful feedback to guide PD. • Inform personnel decisions. 	<p>Teacher Principal Evaluation Pilot is a starting point:</p> <ul style="list-style-type: none"> ✓ Differentiates using at least three levels. ✗ Uses student growth as a significant factor. ✗ Evaluations provide feedback to guide professional development and inform personnel decisions.
<p>4. States must reduce unnecessary burden of reporting. Ensure that what states require directly impacts student achievement and is not duplicative.</p> <p>States must engage stakeholders (teachers, students parents, organizations representing ELLs and disabilities, etc.) as they develop their application.</p>	<ul style="list-style-type: none"> ✓ Washington has recently reviewed reporting requirements as required under state law. ✗ Outreach strategy to include teachers, students, parents, organizations representing students with disabilities and English Language Learners.

Policy Consideration

Key policy considerations include:

- What are the benefits and drawbacks to applying for a waiver from the Elementary and Secondary Education Act?
- Will Washington State pursue a waiver?
- How will the Achievement Index be modified to make it the single state and federal accountability tool as envisioned in House Bills 2261 and 6696?
- With or without the waiver, how will SBE and OSPI build a state accountability system that provides a unified system of support for challenged schools, aligns with basic education, increases the level of support based upon the magnitude of need, and uses data for decisions (as charged in HB 6696)?
- How can Washington build a state accountability system that provides increasing levels of support to challenged schools in the current fiscal climate?
- What impact will the 2012 presidential election have on the waiver process?

Expected Action

No action; for discussion only.

Appendix A: Relevant Legislation

House Bill 2261

NEW SECTION. Sec. 503. A new section is added to chapter 28A.305 RCW to read as follows:

(1) The state board of education shall continue to refine the development of an accountability framework that creates a unified system of support for challenged schools that aligns with basic education, increases the level of support based upon the magnitude of need, and uses data for decisions.

(2) The state board of education shall develop an accountability index to identify schools and districts for recognition and for additional state support. The index shall be based on criteria that are fair, consistent, and transparent. Performance shall be measured using multiple outcomes and indicators including, but not limited to, graduation rates and results from statewide assessments. The index shall be developed in such a way as to be easily understood by both employees within the schools and districts, as well as parents and community members. It is the legislature's intent that the index provide feedback to schools and districts to self-assess their progress, and enable the identification of schools with exemplary student performance and those that need assistance to overcome challenges in order to achieve exemplary student performance. Once the accountability index has identified schools that need additional help, a more thorough analysis will be done to analyze specific conditions in the district including but not limited to the level of state resources a school or school district receives in support of the basic education system, achievement gaps for different groups of students, and community support.

House Bill 6696

PART I

ACCOUNTABILITY FRAMEWORK

NEW SECTION. Sec. 101. The legislature finds that it is the state's responsibility to create a coherent and effective accountability framework for the continuous improvement for all schools and districts. This system must provide an excellent and equitable education for all students; an aligned federal/state accountability system; and the tools necessary for schools and districts to be accountable. These tools include the necessary accounting and data reporting systems, assessment systems to monitor student achievement, and a system of general support, targeted assistance, and if necessary, intervention.

The office of the superintendent of public instruction is responsible for developing and implementing the accountability tools to build district capacity and working within federal and state guidelines. The legislature assigned the state board of education responsibility and oversight for creating an accountability framework. This framework provides a unified system of support for challenged schools that aligns with basic education, increases the level of support based upon the magnitude of need, and uses data for decisions. Such a system will identify schools and their districts for recognition as well as for additional state support. For a specific group of challenged schools, defined as persistently lowest-achieving schools, and their districts, it is necessary to provide a required action process that creates a partnership between the state and local district to target funds and assistance to turn around the identified lowest-achieving schools.

Phase I of this accountability system will recognize schools that have done an exemplary job of raising student achievement and closing the achievement gaps using the state board of education's accountability index. The state board of education shall have ongoing collaboration with the achievement gap oversight and accountability committee regarding the measures used

to measure the closing of the achievement gaps and the recognition provided to the school districts for closing the achievement gaps. Phase I will also target the lowest five percent of persistently lowest-achieving schools defined under federal guidelines to provide federal funds and federal intervention models through a voluntary option in 2010, and for those who do not volunteer and have not improved student achievement, a required action process beginning in 2011.

Phase II of this accountability system will work toward implementing the state board of education's accountability index for identification of schools in need of improvement, including those that are not Title I schools, and the use of state and local intervention models and state funds through a required action process beginning in 2013, in addition to the federal program. Federal approval of the state board of education's accountability index must be obtained or else the federal guidelines for persistently lowest-achieving schools will continue to be used.

Renewal Debate, Side by Side

The bill reauthorizing the Elementary and Secondary Education Act approved by the Senate education committee contrasts with current law and with the Obama administration's vision for overhauling the No Child Left Behind Act. It also contrasts with various pieces of legislation introduced in the U.S. House of Representatives.

	Current Law	Senate Bill (Harkin-Enzi)	Obama Administration Waiver Plan	House Legislation
STANDARDS	<ul style="list-style-type: none"> Requires states to adopt standards in reading, math, and science. 	<ul style="list-style-type: none"> Requires states to demonstrate they have college- and career-ready standards in math, reading, and science, but would not require them to join the Common Core State Standards Initiative. 	<ul style="list-style-type: none"> Requires states to craft college- and career-ready standards in math and reading, either by joining the Common Core State Standards Initiative or by having the state's university system approve them. 	<ul style="list-style-type: none"> No details yet.
ACCOUNTABILITY	<ul style="list-style-type: none"> Requires annual testing in grades 3-8 and once in high school. Requires schools to make adequate yearly progress toward performance targets, with the goal of bringing 100 percent of students to proficiency in math and reading by 2014. Sanctions schools for failing to make AYP for at least two years in a row. Requires achievement targets for subgroups of students, such as racial minorities, students with disabilities, and English-language learners. 	<ul style="list-style-type: none"> Would keep annual testing in grades 3-8 and once in high school, but scrap AYP. Would require disaggregation of data by subgroup, but wouldn't require achievement targets to be set by subgroup (though this could be resurrected during Senate floor action). Would not require any federally approved interventions for any other schools besides those in the School Improvement Grant program. 	<ul style="list-style-type: none"> Keeps annual testing in place but allows states to scrap AYP and design their own differentiated accountability system, with their own student-achievement goals. Retains requirement to disaggregate data and set achievement targets by subgroup. 	<ul style="list-style-type: none"> No details yet.
TEACHERS	<ul style="list-style-type: none"> Requires 100 percent of teachers to be "highly qualified," which includes having a college degree and license in the subject taught. 	<ul style="list-style-type: none"> Would let states decide how to evaluate teachers, but would require states that want Teacher Incentive Fund grants to craft evaluations based at least in part on student growth. 	<ul style="list-style-type: none"> Eliminates the highly qualified provision. Requires states to create and at a minimum pilot evaluation systems based at least in part on student growth, which would be used to inform personnel decisions. 	<ul style="list-style-type: none"> No details yet.
LOW-PERFORMING SCHOOLS	<ul style="list-style-type: none"> For schools that fail to make AYP for five consecutive years, requires the school to enter into "restructuring" using a menu of options that includes turning it over to a charter operator or using some other strategy. 	<ul style="list-style-type: none"> Lays out a series of federal interventions for turning around the lowest-performing schools based in part on the Obama administration's regulations for the School Improvement Grant program. Would allow states to submit their own turnaround strategies for federal approval. Would allow students in the bottom 5 percent of schools in a state to transfer to other schools. 	<ul style="list-style-type: none"> Requires the use of one of the four federally prescribed turnaround models in the 5 percent of lowest-performing schools receiving School Improvement Grants. Requires states to use those four models, or another federally approved strategy, to intervene in an additional 10 percent of a state's most troubled schools. 	<ul style="list-style-type: none"> No details yet.
FUNDING/SPECIAL GRANTS AND PROGRAMS	<ul style="list-style-type: none"> Requires 20 percent of Title I money be set aside to pay for tutoring and school choice for students in schools that fail to make AYP for at least two years in a row. 	<ul style="list-style-type: none"> Would eliminate that 20 percent set-aside. Would streamline the U.S. Department of Education by consolidating 82 programs into about 40 broader baskets of funding. Would create a new grant program to recruit and train principals who lead turnaround efforts. Would resurrect Educational Technology State Grants. 	<ul style="list-style-type: none"> Allows states flexibility to use the 20 percent tutoring/choice set-aside and a limited number of other program dollars to target specific high-needs areas. 	<ul style="list-style-type: none"> Would allow states to tap federal funds to replicate charter school models with a proven track record of success. Would allow states and districts to take money out of an array of programs governed by the Elementary and Secondary Education Act—including Title I grants for disadvantaged children—and direct the money to other purposes that they believe will do the most to improve student achievement. Would eliminate 40 education programs, including Striving Readers, the Even Start Family Literacy program, and Literacy Through School Libraries.