

# The Washington State Board of Education

Governance | Achievement | High School and College Preparation | Math & Science | Effective Workforce

<b>Title:</b>	<b>ESEA Waiver</b>	
<b>As Related To:</b>	<input type="checkbox"/> Goal One: Advocacy for an effective, accountable governance structure for public education <input checked="" type="checkbox"/> Goal Two: Policy leadership for closing the academic achievement gap <input checked="" 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 type="checkbox"/> Other
<b>Relevant To Board Roles:</b>	<input type="checkbox"/> Policy Leadership <input type="checkbox"/> System Oversight <input type="checkbox"/> Advocacy	<input type="checkbox"/> Communication <input type="checkbox"/> Convening and Facilitating
<b>Policy Considerations / Key Questions:</b>	The updating of the Achievement Index, establishment of new Annual Measureable Objectives, and a system for differentiated support will be reviewed.	
<b>Possible Board Action:</b>	<input checked="" type="checkbox"/> Review <input type="checkbox"/> Adopt <input type="checkbox"/> Approve <input type="checkbox"/> Other	
<b>Materials Included in Packet:</b>	<input checked="" type="checkbox"/> Memo <input type="checkbox"/> Graphs / Graphics <input checked="" type="checkbox"/> Third-Party Materials <input type="checkbox"/> PowerPoint	
<b>Synopsis:</b>	An overview of the ESEA waiver process is provided, and key policy questions regarding the Achievement Index and Washington's accountability system will be presented. Board members will review recommended enhancements to the Achievement Index.	

## ELEMENTARY AND SECONDARY EDUCATION ACT WAIVERS

### BACKGROUND

Congress has attempted to reauthorize the Elementary and Secondary Education Act (ESEA) since it expired in 2007. Enthusiasm for reauthorization was rekindled in the spring of 2010 and again in the fall of 2011 but all efforts have stalled. In response, the U.S. Department of Education (USED) announced in September that they would begin to grant waivers to states from some ESEA requirements in exchange for a series of reforms.

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.

The Office of Superintendent of Public Instruction has not made a final determination of whether or not they will apply, but at this point is moving ahead with writing an application that will be ready to submit on February 21, 2012. SBE is an important partner in this effort and the Achievement Index is being seen as the unifying accountability tool. The waiver is an opportunity to create a state accountability system as described in HB 2261 and HB 6696 (see Appendix A). The SBE was assigned responsibility to create and oversee an accountability framework, with or without a waiver. The waiver provides additional incentive and momentum to create and implement such a system with our education partners, specifically OSPI and school districts.

*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.<sup>1</sup>*

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<sup>1</sup> House Bill 6696

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

## Principles

## Washington Readiness

- ✓ = already in place
- ✗ = needs additional work or time

<p><b>1. College and Career Ready Standards and Assessments for all Students</b></p> <ul style="list-style-type: none"> <li>• Adopt college and career ready standards and assessments for all students in language arts and math.</li> <li>• Adopt new English Language Proficiency standards.</li> <li>• Articulate a plan for implementing new standards by the 2013-14 school year, including how all students, including English Language Learners and students with disabilities, will access the learning aligned to standards.</li> <li>• 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.</li> </ul>	<ul style="list-style-type: none"> <li>✓ Adoption of Common Core State Standards (CCSS).</li> <li>✓ New English Language proficiency standards.</li> <li>✓ Implementation plan for CCSS.</li> <li>✓ New assessment system via participation in the Smarter Balanced Assessment Consortium (SBAC).</li> <li>✓ Participation in SBAC will meet the requirement of a student growth measure.</li> </ul>
<p><b>2. State-Developed, Differentiated Systems of Recognition, Accountability, and Support</b></p> <p>a) Design accountability system promoting career- and college readiness:</p> <ul style="list-style-type: none"> <li>• Use multiple measures, including assessments and graduation rates.</li> <li>• Recognize student growth and school progress.</li> <li>• Align accountability with capacity-building efforts.</li> <li>• Provide interventions focused on lowest-performing schools and schools with the largest gaps (see CCSSO accountability principles).</li> <li>• Plan for implementation by 2012-13.</li> <li>• Report annually college going and college credit-accumulation rates for all students and subgroups in each district and high school.</li> </ul> <p>b) Three new options for annual measurable objectives:</p> <ul style="list-style-type: none"> <li>• Annual increments toward reducing achievement gap within six years.</li> <li>• Equal increments with result of 100 percent proficiency by 2020.</li> </ul>	<p>The Index:</p> <ul style="list-style-type: none"> <li>✓ Already includes multiple measures including assessments and graduation rates.</li> <li>✓ Already measures school progress (Improvement).</li> <li>✗ Index needs data disaggregated by race/ethnicity, special education and English Language Learner status, as well as student growth.</li> <li>✓ College going and college-credit accumulation rates for all students and subgroups – provided by ERDC.</li> </ul> <p>✗ Identify new annual measurable objectives to replace 100 percent proficient by 2014.</p>

<ul style="list-style-type: none"> <li>• Or other ambitious but achievable goals.</li> </ul> <p>c) Reward schools for highest performance and high progress.</p> <p>d) Identify Priority Schools - lowest-performing five 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>	<ul style="list-style-type: none"> <li>✗ State accountability system to identify Priority, Focus, Reward schools.</li> <li>✗ System of interventions focused on Priority and Focus schools.</li> <li>✗ Rapid implementation timeline by 12-13.</li> <li>✗ Incentives and support for continuous improvement (similar language to HB 6696).</li> </ul>
<p><b>3. Supporting Effective Instruction and Leadership through Educator Evaluation</b></p> <ul style="list-style-type: none"> <li>• That is used for continual improvement of instruction.</li> <li>• Meaningfully differentiates performance using at least three levels.</li> <li>• Use multiple valid measures including student growth as a significant factor.</li> <li>• Provide timely, clear, and useful feedback to guide professional development.</li> <li>• Inform personnel decisions.</li> </ul>	<p>Teacher Principal Evaluation Pilot is a starting point:</p> <ul style="list-style-type: none"> <li>✓ Differentiates using at least three levels.</li> <li>✗ Uses student growth as a significant factor.</li> <li>✗ Evaluations provide feedback to guide professional development and inform personnel decisions.</li> </ul>
<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"> <li>✓ Washington has recently reviewed reporting requirements as required under state law.</li> <li>✗ Outreach strategy to include teachers, students, parents, organizations representing students with disabilities and English Language Learners.</li> </ul>

**SUMMARY**

The U.S. Department of Education (USED) has clearly stated that their intent is to provide relief from the less effective elements of ESEA, but is not intended as a retreat from accountability. The intent is that states build their own robust accountability systems.

Eleven states applied for waivers in November<sup>2</sup> and at the time of this writing are waiting to hear from the USED whether their waivers will be accepted (see Appendix B for a Center for American Progress summary of these applications). An additional 29 states and territories<sup>3</sup> have expressed intent to apply in February. A panel of peer reviewers will read and score the applications and will provide non-binding feedback to USED. This is not a competitive process but states must meet a high bar to win approval of their waiver requests. States that apply but are not approved will be given specific feedback and multiple opportunities to revise their applications.

### **Timeline**

Early January:	Internal OSPI and SBE vetting of draft application
January 11:	SBE Meeting
Late January/Early February:	Posting of draft application for public comment; stakeholder meetings for input
January 23:	Council of Chief State School Officers peer review
February 21:	Final application due

### **POLICY CONSIDERATION**

#### The Index

The Washington Achievement Index has been produced for the past three years and is increasingly utilized by districts and schools to assess their progress. Districts (notably Highline and Renton) are using the Index to differentiate support for their lower performing buildings and to recognize success and improvement. The Index was developed using a set of guiding principles, which are still valid and relevant today:

*To be effective, the Index should:*

- *Be transparent and easy to understand*
- *Use existing data*
- *Rely on multiple measures*
- *Include assessment results from all grades (3-8, 10) and subjects tested statewide (reading, writing, mathematics, science)*
- *Use concepts of the federal No Child Left Behind (NCLB) Act and its Adequate Yearly Progress (AYP) system when appropriate*
- *Be fair, reasonable, and consistent*
- *Be valid and produce accurate results*
- *Focus at both the school and district levels*
- *Apply to as many schools and districts as possible*
- *Use familiar concepts when possible*
- *Rely mainly on criterion-referenced measures instead of norm-referenced measures*
- *Provide multiple ways to reward success*

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<sup>2</sup> Colorado, Florida, Georgia, Indiana, Kentucky, Massachusetts, Minnesota, New Jersey, New Mexico, Oklahoma, Tennessee

<sup>3</sup> Arkansas, Arizona, Connecticut, D.C., Delaware, Hawaii, Idaho, Illinois, Iowa, Kansas, Maine, Maryland, Michigan, Mississippi, Missouri, Nevada, New Hampshire, New York, North Carolina, Ohio, Oregon, Puerto Rico, Rhode Island, South Carolina, South Dakota, Utah, Vermont, Virginia, and Washington.

- *Be flexible enough to accommodate future changes<sup>4</sup>*

While maintaining each of these principals, updates to the structure of the Index itself should include:

- Inclusion of English Language Learner data.
- Once available, inclusion of student growth data.
- An updated look at achievement gaps.

#### Annual Measureable Objectives

Washington will need, as part of its accountability system, to choose one of the following new Annual Measureable Objectives (AMOs):

1. 100percent proficiency for all students (and students in each subgroup) by 2020 (0 of 11 states that already applied selected this).
2. New goal of reducing by half the percent of students in each subgroup not meeting standard within six years.
3. Another goal that is educationally sound, ambitious, and achievable.

Of the 11 states that have already applied for a waiver, none chose Option One, three chose Option Two, and eight chose Option Three (Tennessee, for example, set goals of 3-5 percent annual growth for all students and a 6 percent annual gap closure across subgroups).

#### Differentiated Support Systems

In addition to the existing recognition system (the Washington Achievement Awards) the Index will be used to produce data to identify the 5 percent lowest performing schools (Priority Schools), and the 10 percent of schools with the largest achievement gaps (Focus Schools). The waiver application will need to provide a phased-in timeline for a system of differentiated support to help buildings that find themselves in the Priority or Focus school categories.

#### **EXPECTED ACTION**

No action; for discussion only.

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<sup>4</sup> State Accountability Index Final Report to the State Board of Education, February 16, 2010, Pete Bylsma

## 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.



**Appendix B:  
Center for American Progress summary of waiver applications**

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# **ESEA FLEXIBILITY WAIVERS**

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January 11, 2012

State Board of Education Meeting

Sarah Rich, SBE Research Director

Bob Harmon, Assistant Superintendent

# CONTENTS

- Overview of the waiver/flexibility proposal
- What could be waived
- What are the conditions (What would we have to demonstrate or commit to in order to meet them? Which ones pose more of a challenge?)
- What are pros/cons of applying for a waiver?
- Discussion/your input

## ESEA FLEXIBILITY

“We’re going to let states, schools and teachers come up with innovative ways to give our children the skills they need to compete for the jobs of the future.”

– President Obama  
September 23, 2011

## RELEVANCE TO SBE WORK

1. House Bill 2261 (2009) directed the State Board of Education to create 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” and to develop an accountability index to identify schools for recognition and additional support.

## RELEVANCE TO SBE WORK CONT.

2. House Bill 6696 (2010) affirmed the role of the SBE in accountability.

- Phase I:
  - Recognition of schools for exemplary achievement and closing achievement gaps using the Achievement Index; and
  - Establishing the RAD process
- Phase II:
  - Use the Achievement Index to identify schools in need of improvement; and
  - Develop state and local intervention models through a required action process in addition to the federal system. Seek federal approval for the Achievement Index for this purpose.

## **PRINCIPLES FOR IMPROVING STUDENT ACHIEVEMENT AND INCREASING THE QUALITY OF INSTRUCTION**

1. College- and Career-Ready Expectations for All Students
2. State-Developed Differentiated Recognition, Accountability, and Support
3. Supporting Effective Instruction and Leadership
4. Reducing Duplication and Unnecessary Burden

## Principle 1: College- and Career-Ready Expectations for All Students

To support states in continuing the work of transitioning students, teachers, and schools to higher standards

- Adopt and implement **college- and career-ready (CCR) standards** in at least reading/language arts and mathematics
- Develop and administer **high-quality assessments** that measure student growth
- Adopt and implement corresponding **English Language Proficiency** standards and aligned assessments



## Principle 2: State-Developed Differentiated Recognition, Accountability, and Support

To support states' efforts to move forward with next-generation accountability systems

- Set ambitious but achievable AMOs
- **Reward schools:** Provide incentives and recognition for high-progress and highest-performing Title I schools
- **Priority schools:** Identify lowest-performing schools and implement interventions aligned with the **turnaround principles**
- **Focus schools:** Identify and implement interventions in schools with the largest achievement gaps or low graduation rates
- Provide incentives and support for other Title I schools
- Build state, district, and school capacity
- **Opportunity to use the Achievement Index to fulfill SBE and OSPI charge in HB 2261 and HB 6696**

## **Ambitious but Achievable Annual Measurable Objectives (AMOs)**

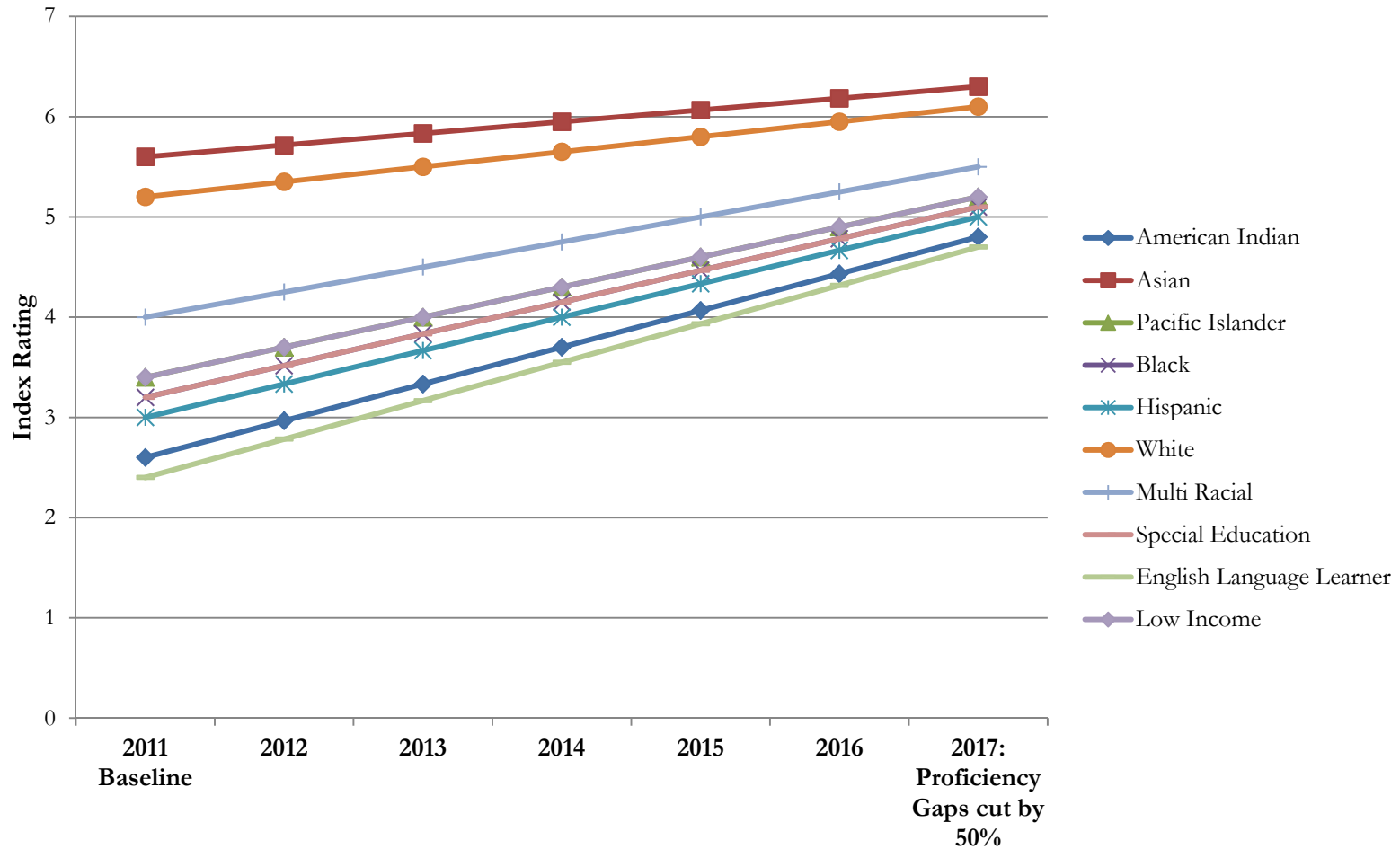
Current AMO: 100 percent proficient by 2014

Three Choices:

1. 100 percent proficient by 2020
2. Annual equal increments toward goal of reducing by half the percent of students who are not proficient within six years
3. Another AMO that is educationally sound and results in ambitious and achievement AMOs

# Ambitious but Achievable Annual Measurable Objectives (AMOs)

Annual Targets for Closing Proficiency Gaps by 50 Percent by 2018  
(Sample High School)



## REWARD SCHOOLS

- Building on Washington Achievement Awards
- **Highest-performing schools:**
  - High performance and high graduation rates. Must be making AYP for all students and each subgroup; can't have significant achievement gaps
- **High-progress school:**
  - Making the most progress in improving the performance of the “all students” group or making the most progress in increasing graduation rates; can't have significant achievement gaps

## PRIORITY SCHOOLS

- What is a Priority school?
  - Lowest 5 percent of Title I and Title I eligible schools and schools with <60 percent graduation rate
- Proposing: use the Index to identify lowest performing schools (rather than just reading and math)
- Districts with Priority schools ensure the schools implement turnaround principles using a set-aside of 20 percent of district Title I funds

## TURNAROUND PRINCIPLES

- Review the performance of the current principal and replace if necessary.
- Provide the principal with operational flexibility.
- Review the quality of all staff and retain only those who are determined to be effective and have the ability to be successful in the turnaround effort.
- Prevent ineffective teachers from transferring to these schools.
- Provide job-embedded, ongoing professional development.
- Redesign the day or school year to provide additional time for student learning and teacher collaboration.
- Ensure instructional program is research-based, rigorous, and aligned with standards.
- Use data to inform instruction and for continuous improvement, including providing time for collaboration on the use of data.
- Improve school safety and discipline and other non-academic factors, such as students' social, emotional, and health needs.
- Provide ongoing mechanisms for family and community engagement.

## FOCUS SCHOOLS

- What is a Focus school?
  - 10 percent of Title I schools with the lowest subgroup achievement and biggest gaps among subgroups; may also include non-Title I schools (middle or high performing, non low income schools with large achievement gaps)
- Proposing: update the Index to include each subgroup separately; when a subgroup would be invisible due to a low n size, include that subgroup with the next smallest subgroup
- Districts with Focus schools must implement a plan to improve the performance of subgroups who are furthest behind using a set-aside of 20 percent of district Title I funds

# ACHIEVEMENT GAP CALCULATION

Consider moving from this...

2010-11 Achievement Gap										
INDICATORS	Reading			Math			Ext Graduation Rate			Average
	Met Std	Peers	Imp	Met Std	Peers	Imp	Met Std	Peers	Imp	
Achievement of Black, Pacific Islander, American Indian/Alaskan Native, Hispanic stds	7	6	7	5	5	7	4	4	3	5.33
Achievement of white and Asian students	7	5	6	6	4	7	7	4	5	5.67
<b>Achievement Gap</b>										<b>0.34</b>

To this...

Sample High School	Index Ratings					Average Rating (2011 Baseline)
	Reading	Writing	Math	Science	Ext Grad Rate	
American Indian	4	3	2	1	3	2.6
Asian	6	5	6	5	6	5.6
Pacific Islander	4	5	1	2	5	3.4
Black	3	5	1	2	5	3.2
Hispanic	3	4	1	3	4	3
White	6	6	4	4	6	5.2
Multi Racial	4	4	2	4	6	4
Special Education	2	3	2	4	5	3.2
English Language Learner	1	2	3	2	4	2.4
Low Income	4	3	1	4	5	3.4
<b>Average</b>	<b>3.7</b>	<b>4</b>	<b>2.3</b>	<b>3.1</b>	<b>4.9</b>	<b>3.6</b>

Includes all subgroups, writing and science



## Principle 3: Supporting Effective Instruction and Leadership

To support SEA and LEA development of evaluation systems that go beyond NCLB's minimum HQT standards

- Develop and adopt state guidelines for local teacher and principal evaluation and support systems.
- Ensure school districts implement teacher and principal evaluation and support systems that are consistent with state guidelines.
- A significant component must be student growth.

## Principle 4: Reducing Duplication and Unnecessary Burden

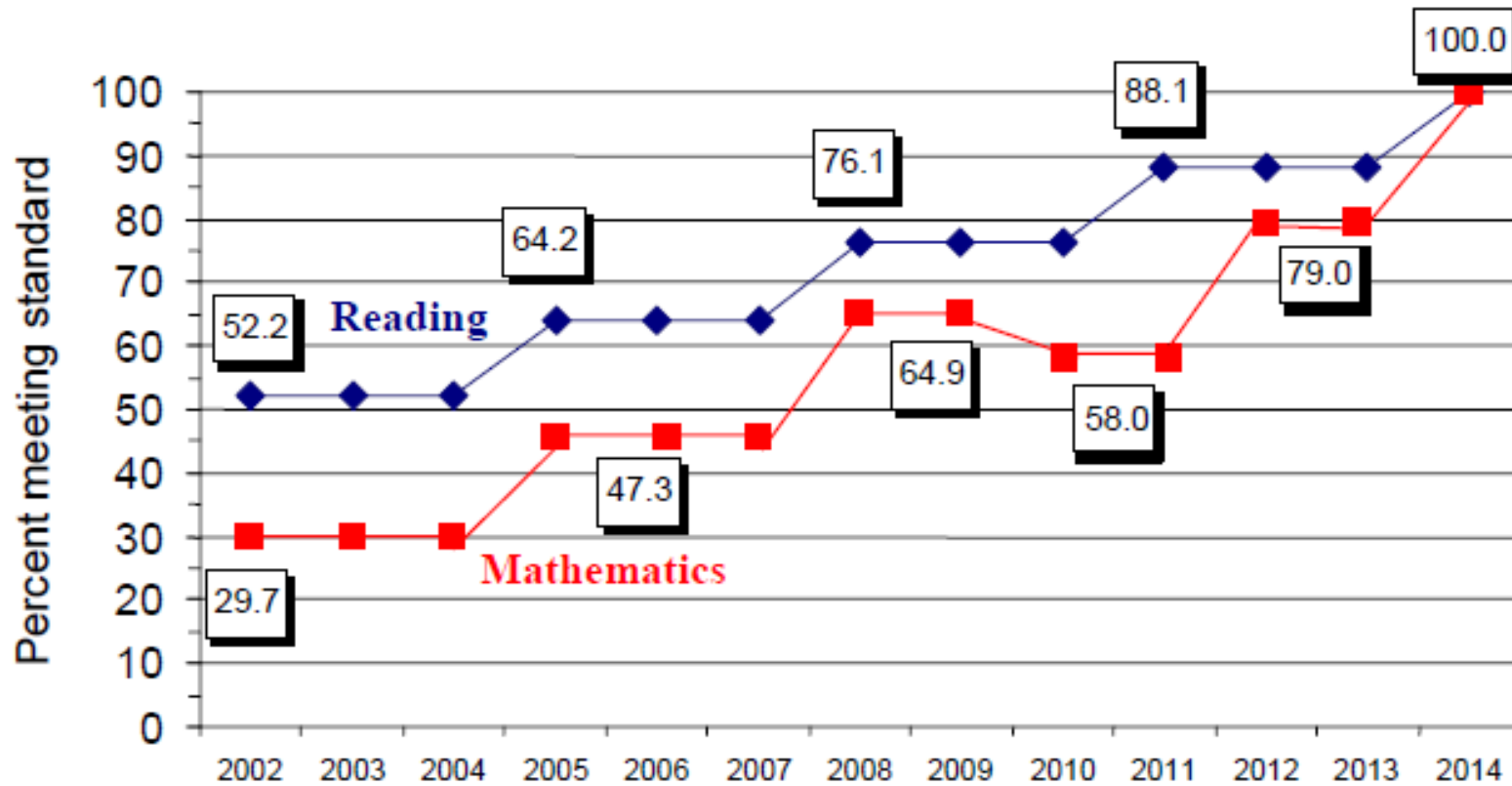
To provide an environment in which schools and districts have the flexibility to focus on what is best for students

- Remove duplicative and burdensome reporting requirements that have little or no impact on student outcomes
- Evaluate and revise state administrative requirements to reduce duplication and unnecessary burden on school districts and schools

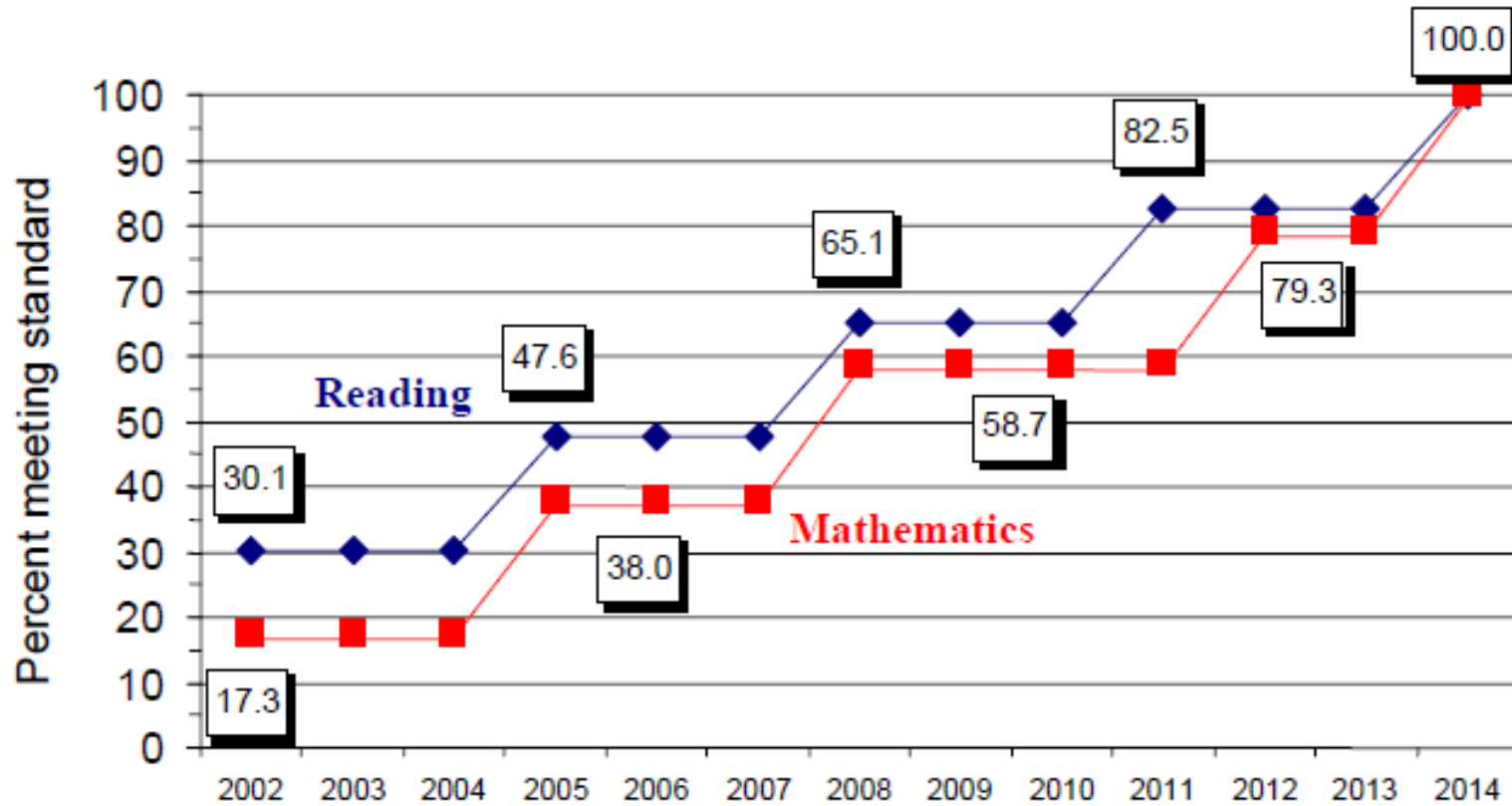
## **FLEXIBILITY TO IMPROVE STUDENT ACHIEVEMENT AND INCREASE THE QUALITY OF INSTRUCTION**

1. 2013–2014 Timeline for Adequate Yearly Progress (AYP)
  - Flexibility to develop new ambitious but achievable Annual Measurable Objectives (AMOs) in reading/language arts and mathematics
  - Eliminates AYP

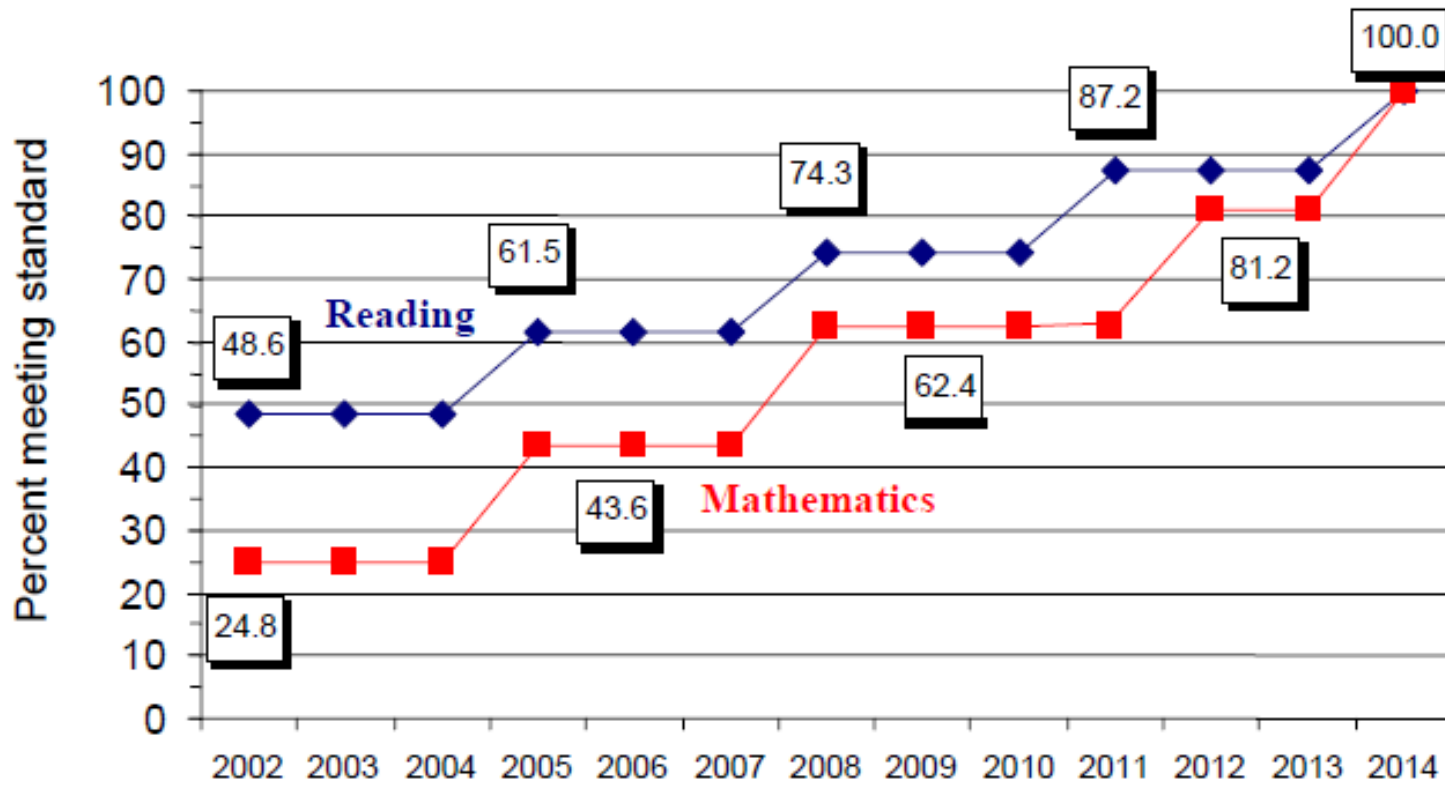
# ELEMENTARY SCHOOL STATE UNIFORM BAR



# MIDDLE SCHOOL STATE UNIFORM BAR



# HIGH SCHOOL STATE UNIFORM BAR



# **FLEXIBILITY TO IMPROVE STUDENT ACHIEVEMENT AND INCREASE THE QUALITY OF INSTRUCTION**










## 2. Implementation of School Improvement Requirements

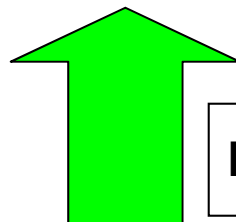
- Flexibility from requirement for school districts to identify or take improvement actions for schools identified for improvement, corrective action, or restructuring
- Eliminates Public School Choice (PSC) as a mandate
- Eliminates Supplemental Educational Services (SES) as a mandate
- Eliminates the 20 percent district Title I set aside to fund PSC and SES
- Eliminates the 10 percent set aside for professional development for schools

# AYP TIMELINE FOR SCHOOLS

(Consequences apply only to schools receiving Title I funds)

Sanctions are a District Responsibility

 <b>WASL Results</b> 	 <b>WASL Results</b> 	School Improvement Plan	Continue: Public School Choice	Continue: Public School Choice Supplemental	Continue: Public School Choice Supplemental Services	Implement Plan For Alternative Governance  Step <b>5</b>
		Public School Choice	Supplemental Services	Corrective Action	Plan for Alternative Governance	
		 Step <b>1</b>	 Step <b>2</b>	 Step <b>3</b>	 Step <b>4</b>	



Identified for School Improvement



## **FLEXIBILITY TO IMPROVE STUDENT ACHIEVEMENT AND INCREASE THE QUALITY OF INSTRUCTION**




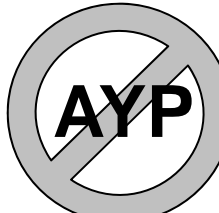
### 3. Implementation of District Improvement Requirements

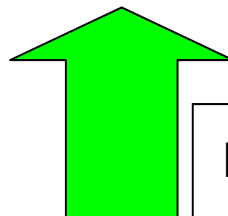
- Flexibility from requirement for states to identify or take improvement action for districts identified for improvement or corrective action
- Eliminates the 10 percent set aside for professional development for districts

# AYP TIMELINE FOR DISTRICTS

(Consequences apply only to districts receiving Title I funds)

## State Responsibility

 WASL Results	 WASL Results	District Improvement Plan	District Improvement Plan
		State Offers Technical Assistance and <b>MAY</b> take Corrective Action	State <b>MUST</b> Take Corrective Action
<div style="border: 2px solid black; width: 60px; height: 60px; display: flex; align-items: center; justify-content: center; margin: 0 auto;">1</div>	<div style="border: 2px solid black; width: 60px; height: 60px; display: flex; align-items: center; justify-content: center; margin: 0 auto;">2</div>	 Step <b>1</b>	 Step <b>2</b>



Identified for District Improvement

## **FLEXIBILITY TO IMPROVE STUDENT ACHIEVEMENT AND INCREASE THE QUALITY OF INSTRUCTION**

### 4. Rural Districts

- Flexibility to use Rural and Low-Income School Program funds or Small, Rural School Achievement Program for any authorized purpose regardless of AYP status

### 5. School-wide Programs

- Flexibility to operate a school-wide program in a Title I school that does not meet the 40 percent poverty threshold if the state has identified the school as a **priority school** or a **focus school**

## **FLEXIBILITY TO IMPROVE STUDENT ACHIEVEMENT AND INCREASE THE QUALITY OF INSTRUCTION**

### 6. Support School Improvement

- Flexibility to allocate ESEA section 1003(a) funds to an LEA in order to serve any **focus** or **priority school**

### 7. Reward Schools

- Flexibility to use funds reserved under ESEA section 1117(c)(2)(A) to provide financial rewards to any **reward school**

### 8. Highly Qualified Teacher (HQT) Improvement Plans

- Flexibility from the requirements regarding HQT improvement plans

## **FLEXIBILITY TO IMPROVE STUDENT ACHIEVEMENT AND INCREASE THE QUALITY OF INSTRUCTION**

### 9. Transfer of Certain Funds

- Flexibility to transfer up to 100 percent of the funds received under the authorized programs designated in ESEA section 6123 among those programs and into Title I, Part A.

### 10. Use of School Improvement Grant (SIG) Funds to Support Priority Schools

- Flexibility to award SIG funds available under ESEA section 1003(g) to an LEA to implement one of the four SIG models in any priority school.

## IMPLEMENTATION TIMELINES

- The Secretary intends to grant waivers included in this flexibility through the end of the 2013–2014 school year.
- An SEA may request an extension of the initial period of this flexibility prior to the start of the 2014–2015 school year unless it is superseded by reauthorization of the ESEA.

# CONSULTATION

- An SEA must engage diverse stakeholders and communities in the development of its request.
- Engage and solicit input from:
  - teachers and their representatives.
  - diverse stakeholders, such as students, parents, community-based organizations, civil rights organizations, organizations representing students with disabilities and English Learners, business organizations, and Indian tribes.
- Consult with the State's Title I Committee of Practitioners.

# TIMELINE FOR SUBMISSION

**IN ORDER TO PROVIDE FLEXIBILITY TO STATES BY THE END OF THE 2011-2012 SCHOOL YEAR, THERE ARE TWO SUBMISSION WINDOWS**

- Submit request by **November 14, 2011** for December 2011 peer review.
- Submit request by **February 21, 2012** for a Spring 2012 peer review.



## WASHINGTON STATE

- OSPI is investigating our options about whether to apply for ESEA flexibility. If we do apply, we will target the February 21, 2012 due date.

## The Washington State Board of Education

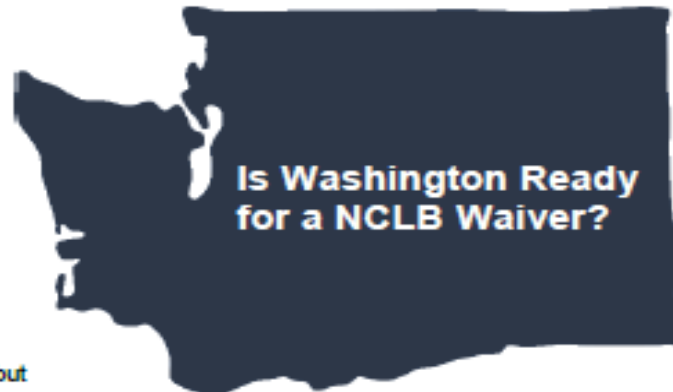
Governance | Achievement | High School and College Preparation | Math & Science | Effective Workforce

Old Capitol Building, Room 253  
P.O. Box 47206  
600 Washington St. SE  
Olympia, Washington 98504

### Is Washington State Ready to Seek a Waiver From the Elementary and Secondary Education Act?

#### Adoption of College and Career-Ready Standards

- ✓ Involved in Smarter Balanced Assessment Consortium
- ✓ Adoption of the Common Core State Standards



#### State-Developed Differentiated Systems of Recognition, Accountability, and Support

- ✓ Achievement Index is a good start, but Washington would need to:
- ✗ Refine the Achievement Index and include student growth
- ✗ Develop a methodology to identify and support lowest performing schools (also required by SB 6896)
- ✗ Set annual measurable objectives in at least reading and mathematics



#### Teacher and Principal Evaluation

- ✓ Pilot evaluation is a good start, but Washington would need to:
- ✗ Use student growth as a significant factor
- ✗ Use data as a factor in personnel decisions.



#### Reduce Duplication and Unnecessary Burden of Reporting

- ✓ Washington has recently reviewed reporting requirements per state law
- ✗ Washington would need to develop an outreach strategy to include diverse stakeholders



## PROS AND CONS

- Upsides:
  - Elimination of costly set asides (20 percent—PSC + SES; 10 percent—PD for districts; 10 percent—PD for schools).
  - Elimination of AYP and 100 percent proficiency in 2014.
  - Washington’s accountability system, not the fed’s
- Challenges:
  - Prescriptive teacher and principal evaluation.
  - Funding (state/federal).
  - Timing of ESEA Reauthorization.
  - Possible legal challenges (Rep. Kline).

## JOINT SELECT COMMITTEE

on Educational Accountability (SB 6696, Sec. 114):

- Beginning no earlier than May 1, 2012.
- Options for a complete system of education accountability, particularly consequences for a RAD.
  - Appropriate decision-making responsibilities and consequences at the school, district, and state levels.
- Interim report September 1, 2012.
- Final report and recommendations September 1, 2013.

# STAKEHOLDER INPUT/NEXT STEPS

- Completed:
  - December 7—Title I Committee of Practitioners
  - January 5—ESEA Waivers Stakeholders Group
  - January 6—Tribal Leaders Congress
- January 11—State Board of Education meeting
- January 16—application posted on OSPI website for public comment
- February 9—Special Education Advisory Council

## Next Steps:

- Looking at what other states submit, what Department of Education approves/denies
- January 23—CCSSO pre-review

## DISCUSSION/INPUT

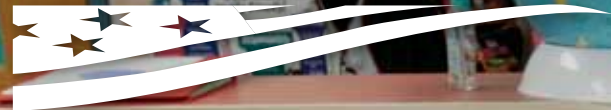
- Questions?
- Your input:
  - What is your recommendation to Superintendent Dorn?

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# ESEA FLEXIBILITY WAIVERS

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January 11, 2012  
State Board of Education Meeting  
Bob Harmon, Assistant Superintendent  
[bob.harmon@k12.wa.us](mailto:bob.harmon@k12.wa.us)



# No Child Left Behind Waiver Applications

Are They Ambitious and Achievable?

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Jeremy Ayers December 2011



Center for American Progress



# No Child Left Behind Waiver Applications

Are They Ambitious and Achievable?

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Jeremy Ayers December 2011

# Contents

- 1 Introduction and summary**
- 4 The what and why of waivers**
- 6 A new approach to waivers: Flexibility *and* reform**
- 8 State applications: What do they propose?**
- 14 State applications: Is anything missing?**
- 18 Are state proposals ambitious and achievable?**
- 25 Findings**
- 27 Recommendations**
- 29 Conclusion**
- 30 Appendix A**
- 31 Appendix B**
- 32 About the author, acknowledgements, and disclosure**
- 33 Endnotes**

# Introduction and summary

The Obama administration has offered states the chance to waive some requirements of the No Child Left Behind Act. States are required, however, to make specific reforms in exchange for increased flexibility. The administration has been clear it wants states to engage in “ambitious but achievable” reforms rather than merely asking for a pass from the law.

We reviewed applications submitted for the first round of waivers by 11 states to get a feel for how ambitious and achievable they are. The Department of Education is examining each application in detail, which is beyond the scope of this paper. But in taking a qualitative snapshot of the applications, a few findings emerged:

- **Clarity of goals.** Some states proposed clear, quantifiable goals for school progress. Others proposed goals that were difficult to understand and may complicate how well schools and the public understand them or use them to improve.
- **Clarity of school ratings.** Some states proposed clear and rigorous systems for holding schools accountable. Others proposed complex schemes that rely on too many factors and diffuse attention from key achievement measures.
- **Inclusion of subgroups.** Some states maintained goals and accountability for student subgroups that face challenges. Others proposed accountability systems that may deflect attention from each group of challenged students.
- **Readiness to evaluate educators.** Some states have the data and policy infrastructure they need to implement new evaluation systems right away. Others are starting from scratch and need to clarify how they will create and execute brand new systems.
- **Reduction of burden.** Few states shared specific plans for reducing administrative burdens placed on districts and schools.

We then took a look at two aspects of state applications: their evaluation and accountability systems. From that review two states—Tennessee and Massachusetts—“stand out” for articulating clear and challenging goals, proposing focused school-rating systems, and having data infrastructure that will help them implement evaluation systems. Their applications certainly can improve, but they possess notable strengths. Georgia, Kentucky, New Jersey, and Oklahoma could strengthen their application by providing “more detail” about their plans, and we pose observations and questions for each. Lastly, the remaining five states fall in between, in the “middle of the pack.” We identify some pros and cons of their plans at the end of this document.

 <p><b>Stand out</b></p> <p>While we did not rank or grade the states, the applications from these two states stood out from the rest for their clear goals and ready-to-implement evaluation systems.</p> <p><b>Massachusetts, Tennessee</b></p>	 <p><b>Middle of the pack</b></p> <p>Although we didn't use a strict rubric to evaluate the states on a point-by-point basis, we found these applications had some positives and some negatives.</p> <p><b>Colorado, Florida, Indiana, Minnesota, New Mexico</b></p>	 <p><b>Needs more detail</b></p> <p>After reading the applications we still had a lot of questions about how these applications would work. These states should provide more detail before they're approved.</p> <p><b>Georgia, Kentucky, New Jersey, Oklahoma</b></p>
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In the pages that follow, this report outlines what states must submit in their applications and summarizes some key elements of what states proposed or did not propose. We scanned each application to see how ambitious and achievable their accountability and evaluation proposals were, identifying some strengths, weaknesses, or questions left unanswered. The report concludes with findings that span the applications and recommendations for the Department of Education (summarized below).

1. **Do not rush to approve every application.** States are clamoring for relief from federal requirements, but the department should keep the bar high so that states indeed make ambitious reforms.
2. **Ask for more information.** Some states should clarify how they will treat student subgroups in accountability systems, how prepared they are to implement evaluation reforms, and how they plan to reduce administrative burden on districts and schools. No state described specific plans for reducing burden.

3. **Proceed with caution.** States have proposed new ways to treat student subgroups and to rate schools in accountability systems. This could provide better focus for school improvement efforts or divert crucial attention from historically disadvantaged students or key achievement measures. The secretary should carefully distinguish those plans that enhance subgroup and school accountability from those that backtrack.

# The what and why of waivers

The No Child Left Behind Act, or NCLB, like almost all federal laws, allows states to forego, or waive, certain requirements as long as they receive permission from the federal government—in this case the Department of Education. Some aspects of the law cannot be waived, such as civil rights protections, programs for parent involvement, and certain fiscal requirements around the allocation of funds. But the rest is fair game.

In the case of NCLB, Secretary of Education Arne Duncan has asked states to specify actions they will take to reform their education systems in exchange for receiving waivers from 10 parts of the law. Those reforms fall under four principles:

- Ensuring students are college and career ready
- Developing state-defined accountability systems
- Enhancing teacher and principal evaluation policies
- Reducing administrative burden on districts and schools

States will receive a waiver lasting two years, after which they may reapply for another two-year waiver.

Eleven states submitted applications in November for the first round of waivers. Independent peer reviewers are examining the applications, will engage in dialogue with states, can request additional information or improvements, and will provide nonbinding feedback to the department. Department officials may also request additional information and improvements. The final decision rests with the secretary who will announce his decisions, perhaps on a rolling basis, during the winter of 2012.

Waivers are needed because NCLB is broken in some significant ways.<sup>1</sup> The law identifies schools as “in need of improvement” whether they missed achievement targets by a little or a lot. The law prescribes interventions for those schools, but the interventions are not working as well as they could. The law ensures teachers

have credentials to enter the profession but does not ensure they are effective with students in the classroom.

Congress must revise NCLB, originally called the Elementary and Secondary Education Act, to solve such problems permanently. But lawmakers have not been able to move a comprehensive bill to the Senate or House floor. Republicans have proposed highly partisan bills that would scale back the federal government's role in schools and even limit accountability for how states and districts use taxpayer funds.<sup>2</sup> The Senate Health, Education, Labor, and Pensions Committee passed a compromise bill in October that took some positive steps forward but also some significant steps backward.<sup>3</sup> That bill has not seen further action.

With little prospect for bipartisan cooperation in sight, the Obama administration is wise to take action now to ensure states, districts, and schools move forward in education reform. The administration has offered states the chance to waive some requirements. States are required, however, to make specific reforms in exchange for increased flexibility, among them adopting new standards, accountability, and evaluation systems. The administration has been clear it wants states to engage in “ambitious but achievable” reforms rather than merely asking for a pass from the law.

# A new approach to waivers: Flexibility *and* reform

The Department of Education offered states a waiver from 10 provisions in NCLB and one optional provision around increasing learning time for students.<sup>4</sup> States were advised to seek flexibility for all provisions, not just some. The first round of applicants requested a waiver for all 10 areas and agreed to reform. All but three—Colorado, Georgia, and Minnesota—sought the optional waiver. Let’s look at the two aspects of waivers in turn.

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## Flexibility

States receive flexibility from current requirements such as setting annual targets for student achievement, how they identify and act in low-performing schools, and what actions they take to ensure teachers are qualified. Appendix A outlines the flexibility opportunities in detail.

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## Reform

States must agree to implement reforms according to four principles in order to receive greater flexibility.<sup>5</sup> Under each principle the department asked states to describe specific steps they will take to address that principle. The principles include:

- Adopting college- and career-ready standards
- Creating state-defined accountability systems that reward success and promote improvement
- Strengthening teacher and principal practice through evaluation systems
- Reducing duplication and administration burden placed on districts and schools

Appendix B outlines the requirements in detail.



It should be noted that the reforms serve the purpose of, and in some cases enhance, the federal policy being waived. The federal government, for example, would waive a federally defined course of action in low-performing schools in exchange for states describing how *they* will identify, support, and spur action in low-performing schools.

Another example is the teacher quality waiver. Current law requires teachers to be highly qualified, or to have credentials, in order to ensure all students have good teachers. The waiver process would allow states to identify good teachers based on how well they do in the classroom, rather than acquiring paper credentials. States would then ensure poor and minority students have fair access to effective teachers. This is an enhancement of current law but is wholly consonant with the goals of equity and excellence in current law.

# State applications: What do they propose?

The 11 state applications vary in their scope and contents, though all follow the four required principles. Chart 1 below summarizes each state’s plan for key requirements, and this report elaborates on each below.

**Chart 1: Summary of state waiver proposals**

	College and Career Ready Standards	College and Career Ready Assessments	Subjects in New Accountability System	New Annual Goals for Schools	Teacher and Principal Evaluations	Reducing duplication and burden on districts and schools	Requesting optional waiver?
<b>Colorado</b>	Adopting Common Core Standards	Participating in PARCC, SMARTER Balanced Assessment Consortium	Reading, Math, Writing, Science, English language proficiency, and Science	Schools must achieve and grow at specified levels, compared to their peers and compared to a standard	Adopted all guidelines	No explanation	No
<b>Florida</b>	Adopting Common Core Standards	Participating in PARCC	Reading, Math, Writing, and Science	Reduce by half the percentage of students in two lowest achievement levels by 2016-17. Increase by half the percentage of students in the two highest levels.	Adopted all guidelines	No explanation	Yes
<b>Georgia</b>	Adopting Common Core Standards	Participating in PARCC	Reading, Math, Science, Social Studies, and high school end-of-course exams	Cut in half the percentage of students below proficiency	Adopted some guidelines	No explanation	No
<b>Indiana</b>	Adopting Common Core Standards	Participating in PARCC but using ACT/SAT tests to measure college readiness in the interim	Reading and Math	All schools and subgroups within the school must receive an 'A' or improve by two letter grades by 2020.	Adopted all guidelines	No explanation	Yes
<b>Kentucky</b>	Adopting Common Core Standards	State assessments based on Common Core for grades 3-8. The ACT will be the capstone high school assessment.	Reading, Math, Science, Social Studies, Writing, high school end-of-course exams	Schools below proficient must improve a full standard deviation in a 5-year period. Schools at proficient must improve half a standard deviation in a 5-year period.	Adopted no guidelines	No explanation	Yes
<b>Massachusetts</b>	Adopting Common Core Standards	Participating in PARCC	Reading, Math, and Science	Reduce the proficiency gap by half by 2017	Adopted all guidelines	State-defined school plans will replace those mandated by NCLB.	Yes

	College and Career Ready Standards	College and Career Ready Assessments	Subjects in New Accountability System	New Annual Goals for Schools	Teacher and Principal Evaluations	Reducing duplication and burden on districts and schools	Requesting optional waiver?
<b>Minnesota</b>	State standards are aligned with Common Core and approved by state institutions of higher education.	State assessments based on Common Core for English/language arts; math assessments are approved by state institutions of higher education.	Reading and Math	Cut in half the percentage of students below proficiency	Adopted no guidelines	No explanation	No
<b>New Jersey</b>	Adopting Common Core Standards	Participating in PARCC	Reading and Math	Cut in half the percentage of students below proficiency	Adopted no guidelines	Charged task force to identify unnecessary regulations	Yes
<b>New Mexico</b>	Adopting Common Core Standards	Participating in PARCC	Reading and Math	All schools will improve so that their grade would reach the 90 <sup>th</sup> percentile score in the base year.	Adopted no guidelines	No explanation	Yes
<b>Oklahoma</b>	Adopting Common Core Standards	Participating in PARCC	Reading, Math, Science, Social Studies, and Writing	Schools meet goal if they score 300 or above on an achievement index. Or schools must improve 15% in math/reading, reach 95% for test participation, and graduate 82% of students (or make a 10% improvement).	Adopted some guidelines	No explanation	Yes
<b>Tennessee</b>	Adopting Common Core Standards	Participating in PARCC	Reading, Math, and Science	Cut in half the percentage of students below proficiency in 8 years. Cut in half the achievement gap between student groups in 8 years.	Adopted all guidelines	No explanation	Yes

## New standards and assessments

The waiver process requires states to adopt college- and career-ready standards along with assessments that measure student growth based on those standards. Nine of the early states have adopted the Common Core standards and are participating in the Partnership for Assessment of Readiness for College and Careers, or PARCC, a federally funded consortium of 24 states developing common assessments in English and math.<sup>6</sup> Colorado participates in PARCC and the other assessment consortium, the SMARTER Balanced Assessment Consortium.<sup>7</sup>

Two states diverge slightly from this path. Kentucky will use the Common Core standards for grades 3–8 but use the ACT assessment and planning tools for eighth grade and high schools. It will also devise its own state assessments, based on Common Core standards, for the lower grades. Minnesota will use the Common Core English/language arts standards but its own state standards and assessment for math. The state has worked closely with the American Diploma Project, a national-standards initiative sponsored by Achieve, to enhance its assessments.

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## New subjects tested for accountability purposes

Seven of the early states plan to administer additional tests besides reading and math in order to rate school performance. Most states will add science and/or writing assessments, while some would include social studies. Colorado would add English language proficiency to the mix, and Georgia and Kentucky plan to use standardized end-of-course exams in high school.

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## New ways to rate schools

States are not just planning to change their standards and tests. They would alter the way they use such information to rate schools. Each of the early states is unique in its proposed rating system, but a few common approaches emerge across states:

### Growth measures

Every state would measure student-learning gains over time (student growth) in addition to single test scores obtained at the end of the school year (proficiency). Florida would split the difference 50-50 between proficiency and growth in grading schools. Minnesota would rate how well schools close gaps between student groups based on growth, not just proficiency.

### Whole school measures

Several states would rate schools based on a variety of factors besides test scores. Kentucky would require all schools to undergo program reviews by the district and state that count for 20 percent of their rating, and it would eventually make results from new teacher and principal evaluations count for 10 percent. Oklahoma would make 33 percent of a school's rating based on factors like attendance, parent engagement, school culture, and other unspecified indicators. New Mexico would evaluate schools partly on an "opportunity to learn" survey but did not specify what that survey would entail.

## College and career measures

Early states also proposed rating high schools based on indicators of college or career readiness. Indiana and Florida would use scores from Advanced Placement exams and industry certification. Kentucky already uses a suite of ACT assessments, a state occupational-skills test, and a military-aptitude test to track college and career readiness beginning in middle school.

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## New annual goals for school improvement

The waiver process would also allow states to significantly change their annual achievement goals. The department provided states three options for making the change:

- **Reduce by half** the percentage of students, including student subgroups, who are not proficient, the so-called gap-cutting option.
- **Ensure 100 percent** of students reach proficiency by 2020 (rather than 2014, as NCLB requires).
- **Use another sound method** to define ambitious but achievable goals for all districts, schools, and student subgroups.

No state chose the second option, but three states chose the gap-cutting option. Eight states chose the last or “other” option. Massachusetts essentially proposed the gap-cutting option but over five years instead of six. Tennessee promised to cut its gaps in half over *eight* years, pledging to improve proficiency by 3 percent to 5 percent each year and to close achievement gaps between student groups by approximately 6 percent annually—rates that would outpace the progress most states have made over the past few years under NCLB.<sup>8</sup>

Colorado and Oklahoma had complicated goals that were difficult to understand (see below). The increased complexity could mean that states are taking more sophisticated approaches to accountability, or they could be gaming the system with lots of indicators to reduce the impact of certain tests.

Chart 1 on page 8 summarizes each state’s new annual goals, but a few bear mentioning here:

- **The hybrid.** Florida proposed cutting in half the percentage of students not on grade level, and increasing by half the number of students above grade level.
- **The 100 percent twist.** Indiana proposed rating their schools on an A-to-F scale and then to ensure all schools become A schools, or improve two letter grades, by 2020. Depending on the rigor of the grading scale, of course, such a goal could be hefty or wimpy.<sup>9</sup>
- **It's all relative.** Kentucky would norm all schools. Low-performing schools must then improve by one-fifth of a standard deviation annually for five years in order to reach the 70th percentile. New Mexico would take six years to get every school up to the level of the top 10 percent of schools, as defined by a base-year norming of schools.
- **The growth model.** Colorado proposed setting annual goals for academic growth. To start the state would use data from the 2009-10 school year to determine the average rate of improvement, or growth, for each school. Then they would determine the state average. Schools would then meet their annual goal if they improve student learning at or above the state average (50th percentile) calculated in 2009-10.
- **The complex.** Oklahoma would create a student-achievement index for math, reading, test-participation rates, and graduation rates. Schools would meet their goal if they scored a certain number on those indexes or if they improved by 15 percent in math and reading, achieved 95 percent participation on state tests, and graduated 82 percent of students or made at least a 10 percent improvement.

Sound confusing? That's because some of the new goals and ratings systems are. The beauty of NCLB is that it standardized expectations across states, even while allowing them to create their own tests and to decide what counts for passing those tests. The increased complexity of goals and school ratings means some educators, parents, and advocates will have difficulty understanding why their school performs the way it does or how to improve it.<sup>10</sup>

Adding factors to school ratings will also water down the traditional impact of reading and math tests and perhaps divert attention to a diffuse number of test and indicators. Lastly, using growth measures always carries the danger of giving schools credit for making a little improvement but never really reaching the ultimate proficiency standard that students should.

Yet the education field has come to agree that schools should get credit for how students improve over the course of a year, not just how they perform at one point in time. And learning surely involves more than two subjects. The waiver process heralds state experimentation, which will create new opportunities as well as challenges for holding schools accountable. And it will certainly increase the demands placed on the Department of Education to monitor state efforts.

# State applications: Is anything missing?

Early applications are missing some things one would expect to find or information that would be helpful in determining how ambitious and achievable the state waiver plans are. A few examples stand out, and they are discussed below.

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## Traditional accountability for student subgroups

The waiver process requires states to monitor, report, and hold schools accountable for the academic progress of student subgroups named by NCLB.<sup>11</sup> All the early states would collect and report subgroup data as they have in the past, but a number of states would take a new approach to subgroup accountability.<sup>12</sup>

Florida, Indiana, New Mexico, and Oklahoma would combine subgroups by focusing on the bottom 25 percent of students in each school, whether or not they belong to a subgroup. Massachusetts would create a “high-needs” subgroup that combines special education, low-income, and English-learner students. Kentucky would create a “student-gap group” that combines other smaller subgroups. Minnesota would give greater weight to larger subgroups.

Such proposals seem reasonable enough, but the question is how states will hold schools accountable for subgroup progress. Tennessee would focus on closing gaps rather than specifying goals for each individual subgroup, assuming gap closing will ensure the rising tide lifts all boats. Oklahoma would use subgroup performance to determine if a school’s letter grade (its rating) receives a plus or minus. Georgia would attach colored flags to school ratings to indicate how subgroups perform, and the flags would trigger action accordingly.

States claim that combining groups will capture more schools and students in the accountability system. Currently, small or rural schools may have too few students in a subgroup to include in the accountability system without violating student privacy. Every school, however, has a “bottom 25 percent” that could cover more students and students who belong to multiple subgroups.



Yet schools would not necessarily set goals or face consequences for the progress of *each individual* group. This could inadvertently leave some students out. Or schools could receive credit for improving the performance of their “super group” yet not make progress for individual subgroups. This is a technical issue which states could address by running a preliminary data analysis to ensure their systems do not neglect the achievement of traditionally underperforming groups. States should also make this data public so that independent observers can verify the claims. Until then it is difficult to assess this new approach.

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## Capacity to implement teacher and principal evaluation systems

States must engage in hard work to get their new systems in place quickly, especially as they transition to new standards and assessments that will be used to evaluate educators. Thus, states should make a clear case they are poised to do this work, especially those states that may be starting from, or close to, scratch. Few states, however, outlined their capacity for engaging in evaluation reform in detail, and some seem to be missing key information.

Kentucky plans to evaluate educators in four domains but has not decided what will be used to measure success in those domains or how those measures will be weighted. Indiana and Minnesota also did not specify how educators will be rated.<sup>13</sup> Three states cannot link student-learning data to more than one teacher, and two states do not train educators to use data to improve instruction. Georgia lacks full ability to connect student data to teachers, is still developing some of its evaluation guidelines, and will require legislative action to enact reforms.

To help clarify state capacity we gathered a few data points to shed light on states’ preparedness (See Chart 2 on page 16). We drew from the annual survey of the Data Quality Campaign to see which states can connect student-achievement data to teachers and which states train educators in using data to improve instruction. We also pulled information from *Education Week*, which asked states if they needed to pass legislation to carry out their waiver plans, including evaluations. Combined, these data points provide an imperfect but nevertheless helpful picture of state capacity to enhance teacher and principal evaluation systems. Given that numerous states face data and policy obstacles, the department would be wise to ask for detailed information on how states can achieve these reforms. Some states contend, however, that their data plans, produced to receive support from the State Fiscal Stabilization Fund, are a more appropriate description of their capacity in this regard.

**Chart 2: State approaches to teacher and principal evaluation systems**

	Has the state adopted evaluation guidelines? <sup>1</sup>	Factors used to rate teachers	Can the state connect students to teachers by course and/or subject or by subject tested? <sup>2</sup>	Can the state connect more than 1 teacher to a student for a particular course? <sup>3</sup>	Do teachers receive tailored reports using student data? <sup>4</sup>	Are educators trained to use data to improve instruction and school policies? <sup>5</sup>	State will pass legislation to implement evaluations? <sup>6</sup>
<b>Colorado</b>	All guidelines	50% student growth, 50% professional practice	No <sup>7</sup>	No	Yes	Yes	No
<b>Florida</b>	All guidelines	50% student growth, 50% professional practice	Yes	Yes	Yes	Yes	No
<b>Georgia</b>	Some guidelines <sup>8</sup>	At least 50% based on student progress	Yes (but not in elementary courses or subjects)	No	Yes	Yes	Yes
<b>Indiana</b>	All guidelines	Not specified	Yes	Yes	No	Yes	No
<b>Kentucky</b>	No guidelines	Not specified	Yes for course/subject for all levels; No for statewide assessments for all levels	Yes	No	No	No
<b>Massachusetts</b>	All guidelines	Professional practice and impact on student learning	Yes	Yes	No	Yes	No
<b>Minnesota</b>	No guidelines	35% student growth; various options for the remainder	No (but yes for high school course/subject)	Yes	Yes	Yes	No
<b>New Jersey</b>	No guidelines	50% student achievement, 50% teacher practice	No <sup>9</sup>	No	Yes	Yes	Yes (New Jersey indicates this was incorrectly reported by Education Week.)
<b>New Mexico</b>	No guidelines	For tested grades or subjects: 50% student growth, 25% observation, 25% local measures <sup>10</sup>	Yes	Yes	No	Yes	Yes
<b>Oklahoma</b>	Some guidelines	50% qualitative assessment, 35% student growth, 15% other measures	Yes	Yes	No	No	No
<b>Tennessee</b>	All guidelines	50% observation, 35% student growth, 15% other measures	Yes	Yes	Yes	Yes	No

1 The waiver application asks states to indicate if they have adopted all, some, or none of the federally required guidelines for teacher and principal evaluation systems.

2 Data Quality Campaign, "2010 DQC State Analysis: Element 5" (2010). 2010 is the most recent survey that includes this information.

3 Ibid.

4 Data Quality Campaign, "DQC State Analysis Responses by State" (2011).

5 Data Quality Campaign, "DQC State Analysis by Action" (2011).

6 Michele McNeil, "NCLB Waiver Plans Offer Hodgepodge of Grading Systems", Education Week, December 2, 2011, available at [http://www.edweek.org/ew/articles/2011/12/02/13waivers\\_ep.h31.html?r=1740683738](http://www.edweek.org/ew/articles/2011/12/02/13waivers_ep.h31.html?r=1740683738).

7 Further, Colorado is one of only six states that does not have a statewide teacher identifier with a teacher-student match. See Data Quality Campaign, "2011 DQC State Analysis: Element 5" (2011).

8 Georgia has been developing its Teacher Keys Evaluation System over the last twelve months with support from the Race to the Top. The evaluation system will be piloted from January through May of 2012. By school year 2014-2015, all Georgia districts will have implemented the new system.

9 Further, New Jersey is one of only six states that does not have a statewide teacher identifier with a teacher-student match. See Data Quality Campaign, "2011 DQC State Analysis: Element 5" (2011). However New Jersey indicates that it does have this capability and that its data system is poised to support its evaluation reforms.

10 For teachers in untested grades and subjects, the components of their evaluation will include 25% based on a school's A-F school grade, 25% based on observations, and 50% based on locally adopted multiple measures.

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## New school-improvement models

States and districts have loudly complained that federal models for improving low-performing schools are impractical and constraining. States, however, did not propose wildly different approaches to school turnaround in their applications. To be fair, the department required states to follow certain guidelines, but few states went beyond those guidelines. Minnesota would require new upfront “diagnostic assessments” to determine a course of action. New Jersey would similarly ask all priority schools to undergo a quality school review conducted by seven regional turnaround centers. Tennessee and Minnesota have interesting plans to connect high-performing schools with low-performing schools to share best practices. And almost all states outlined how they would provide schools with greater autonomy over budget and staffing.

Few states devoted significant attention to accountability, however. A report from the Center for American Progress this year found that states and districts must clearly and continually communicate their expectations and goals to schools, monitor progress, adapt goals in response to data, and articulate rewards and consequences early in the process.<sup>14</sup> Many states explained their monitoring process, but few articulated goals, rewards, and consequences. Tennessee is an exception. The state set clearly defined goals, outlined a plan for tracking progress, and specified a range of supports and actions that occur if low-performing schools do not meet their targets.

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## Reducing duplication and administrative burden

Reducing burden is the fourth principle of reform in the waiver package, but few states discussed this principle at length. Massachusetts said it would substitute state-required school plans and report cards for those required by Title I of NCLB. Florida law requires the state education agency and school districts to annually review and reduce reporting burdens. New Jersey charged a task force with identifying unnecessary regulations, and the state will act on its recommendations in 2012. Lightening the load for districts and schools is a worthy goal that deserves more attention and detail before state plans are approved. The department sent states a mock application that did not request specific information on duplication, which probably explains the lack of detail in the proposals. More guidance on the topic could stimulate more information from states.

# Are state proposals ambitious and achievable?

The Department of Education wants states to engage in “ambitious but achievable” reform. Yet the secretary will face serious pressure to approve as many applications as possible in order to provide relief from NCLB. We caution the department to resist this pressure because it could easily lead to lowering standards. The department and peer reviewers are wise to engage in substantive dialogue with states to improve their applications over time.

It is beyond the scope of this report to conduct a comprehensive scoring of all applications. The department is taking months to do so with the help of 21 external peer reviewers and dozens of internal staff. This snapshot, instead, makes brief qualitative observations concerning two aspects of state plans: accountability goals and ratings, and evaluation systems. We examined state applications with a few questions in mind:

- **How clear and challenging were states’ annual achievement goals?** Clarity helps secure buy-in from districts and schools and enables action more easily than confusing or complicated goals. Goals should also be rigorous but attainable, so that schools stretch to grow but don’t give up, thinking state expectations are unrealistic.
- **How many factors are included in school-rating systems?** Too many factors can lead to confusion and could divert attention from key priorities by which to judge and act in schools. Too few goals can lead to overly simple judgments.
- **How rigorous are teacher and principal evaluations?** Student-learning gains must be a significant factor, but each state sets its own percentage (See Chart 2 on page 16). We looked to see how much weight states gave to various factors and made a call about whether states ensured student outcomes drive the process or if they used other factors to mute their effect.

- **How prepared are states to implement evaluations?** We used independent information on state data systems to get a sense of how much capacity they have to implement their evaluation plans. And we assumed states requiring legislation to enact reform will have greater difficulty compared to those that can move ahead without legislative action.

Two states stand out—Tennessee and Massachusetts—for articulating clear and challenging goals, proposing focused school-rating systems, and having data infrastructure that will help them implement evaluation systems. Four other states—Georgia, Kentucky, New Jersey, and Oklahoma—have proposals that lack clarity or require more detail that would strengthen their plans. The remaining five states have pros and cons in their proposal that are worth mentioning.

The comments below represent a qualitative, journalistic review. They are by no means exhaustive, empirical, or final. No comment should be taken as an endorsement or a recommendation for rejection. But the observations do merit consideration during deliberations by the department.

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## Stand out

While we did not rank or grade the states, the applications from these two states stood out from the rest for their challenging goals and ready-to-implement evaluation systems.

## Massachusetts

Massachusetts proposed a clear accountability goal of cutting the proficiency gap in half by 2017. The state claims many of its schools have achieved this, making the goal achievable in addition to ambitious. It proposed clear and straightforward factors in school ratings including test participation, achievement, growth, and graduation rates; and it will continue to use its five-level rating system to categorize schools based on those factors. The state's combining of subgroups, however, deserves careful scrutiny to ensure schools are held accountable for the progress of all student groups.

Massachusetts has adopted all required evaluation guidelines, having recently approved new state regulations in this area, and it has a fairly robust data system

that can support them. Massachusetts identified the factors that contribute to educator ratings, but it has yet to define their percentages or weight. The state should clarify this before approval.

## Tennessee

Tennessee proposed raising achievement in schools by 3 to 5 percentage points a year and closing gaps between student groups by 6 percent a year. The Education Trust has analyzed average growth rates across states and it appears to us that Tennessee falls in that range.<sup>16</sup> The state deserves credit for articulating clear and rigorous goals. Tennessee has a well-developed longitudinal data system that will support evaluation reforms and the state has developed all guidelines set forth in the waiver application.

Tennessee has experienced some hiccups in implementing its evaluation system funded by Race to the Top, though, and student learning counts for only 35 percent of ratings. But the state seems to be making course corrections. And there certainly is no science in deciding what weight to give student growth, though we wonder if teachers in tested subjects and grades might have greater weight placed on student learning.

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## Middle of the pack

Although we didn't use a strict rubric to evaluate the states on a point-by-point basis, we found these applications had some positives and some negatives.

## Colorado

Colorado is a pioneer in using student growth data. It will rate schools based on college readiness, achievement, and student growth—how students perform compared to their peers across the state and compared to a state-defined standard. It is difficult to discern how objective the state-defined standard is, making it confusing to identify quantifiable annual school goals. Colorado has adopted all evaluation guidelines, has a statewide definition of teacher and principal effectiveness, and clearly articulated factors for rating educators—student growth and professional practice. The state data system, however, cannot link student data to individual or multiple teachers.

## Florida

Florida would award school grades based on achievement and growth, but would also include the performance of a “bottom 25 percent” of students. This has pros and cons as discussed above, and the state would give schools credit for making as little as 5 percent gains with this group. It is also unclear whether Florida would simply report this data or use it to hold schools accountable for subgroup progress.<sup>17</sup> Florida will base educator ratings half on student growth and half on professional practice. The state has already developed evaluation guidelines required by the waiver application, and its longitudinal data system and state policies support their evaluation reforms. Plus, Florida participates in the Teacher-Student Data Link Project that works to accurately attribute student learning to the appropriate teachers.<sup>18</sup>

## Indiana

Indiana set a clear goal of getting all schools to become A-schools or to improve two letter grades. The state quantified what that improvement will require each year and will set interim goals for each school. Indiana would hold each school accountable for the bottom 25 percent of its students, potentially masking the progress of individual subgroups. But the state claims, using current data, that such an approach will cover more low-performing students than current subgroup policy does. The state should make its data publicly available to verify its claim. Indiana has adopted all required evaluation guidelines and does not require legislation to carry out its plans. In addition, its longitudinal data system appears robust. That said, the state did not specify what factors will be considered in evaluating educators, which should be clarified before final approval.

## Minnesota

Minnesota identified four equally weighted factors for school ratings. One factor measures how well schools improve the rate of growth between student subgroups, and subgroups factor into proficiency ratings according to their size. This approach appears unique among states and seems to treat subgroups in a fairly traditional way. But the application was comparatively short in detail and did not make a data-based case that its accountability approach is ambitious. Minnesota benefits from having a relatively robust data system to support its evaluation

reforms. But the state has not finished adopting all required guidelines, has not specified what factors contribute to teacher and principal ratings, and has some limitations in its ability to link student and teacher data.

## New Mexico

New Mexico identified a few key factors for school ratings and how much weight each factor carries. Five percent would come from an undefined “opportunity to learn” survey that could provide impetus for improving equity or be nebulous. Schools would receive separate grades for achievement and growth in order to distinguish between those on track and those off track but improving. Accountability would focus on a bottom 25 percent category, which entails the pros and cons discussed above. New Mexico has adopted all required evaluation guidelines and requires student achievement to be a significant factor in teacher ratings. The state’s data infrastructure appears to be strong, but it must pass legislation to enact its reforms.

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## Needs more detail

After reading the applications from the following states we still had a lot of questions about how these applications would work. These states should provide more detail before they’re approved.

## Georgia

Georgia set a clear goal of cutting both its proficiency and achievement gaps in half. The state will rate schools on a variety of factors including achievement, growth, gap closing, school climate, participation, and financial efficiency. The inclusion of efficiency is interesting given the growing recognition of how important educational productivity is.<sup>19</sup>

But it is unclear how these factors will be weighted, and the state does not yet have an operational statewide growth model. Georgia would hold schools accountable for the bottom 25 percent of performers, potentially masking the progress of each subgroup. The state will label schools with performance flags that identify achievement gaps and trigger action. This proposal is intriguing because it could potentially heighten attention to subgroups, but it lacks sufficient detail or supporting data to verify its claims.



Georgia has an ambitious plan to make student growth at least 50 percent of a teacher’s evaluation and it has almost finalized its policy for accurately attributing student learning to the appropriate teachers. But the state lacks full ability to connect student data to teachers, is still developing some of its evaluation guidelines, and will require legislative action to enact their reforms.

## Kentucky

Kentucky is clear about how it will rate schools and will grant partial credit to schools depending on their performance. The state will eventually make teacher and principal ratings count for 10 percent of school accountability. This could direct schools to focus more on educator quality. But the state has set confusing goals, asking struggling schools to improve by one-fifth of a standard deviation each year. The state should quantify the goals so that schools and the public can understand them.

The state has proposed a combined “super group” of historically disadvantaged students, but it did not make a data-rich case that such a move will hold schools accountable for the growth of every subgroup. Also the state has proposed several measurements that could count for the student-learning factor in school ratings, but it did not specify their weight. That should be clarified to ensure the bar remains high for evaluating schools.

Kentucky is just beginning to change its educator-evaluation system and must do significant amounts of work including specifying what factors will be used to rate teachers and principals and how those factors will be weighted. The state has rightly pledged not to publicly publish individual teacher ratings,<sup>20</sup> but it did not mention how it will use that data to ensure poor and minority students have fair access to effective teachers.

## New Jersey

New Jersey chose the straightforward gap-cutting approach to yearly goals and would retain accountability for subgroups reaching those goals. The state proposed a new report card that would rate schools in four categories—achievement, college and career readiness, graduation and postsecondary success rates, and closing achievement gaps.<sup>21</sup> New Jersey would maintain traditional subgroup accountability for the achievement measure, and it would evaluate how well schools close achieve-

ment gaps between the bottom 25 percent of students and the top 75 percent for the gap-closing measure.

Yet the state has proposed a new school grading system that will not be finalized until the spring of 2012, meaning how the state grades schools and holds them accountable could change in the coming months. New Jersey should clarify how final the new grading proposal is and how likely the new measures are to pass. In the meantime, the Department of Education should consider delaying approval until the issue is clarified.

In terms of evaluations, the state has not developed the evaluation guidelines required by the waiver application, and it will finalize linking student performance and class rosters for all schools by September 2012. One union affiliate has recently expressed strong opposition to evaluation changes, forcing the Newark superintendent to scale back her plans. But the state has moved ahead in 10 other school districts.<sup>22</sup>

## Oklahoma

Oklahoma plans to grade schools on an A to F scale, and schools will get their grade based on four factors. One factor is a “whole school improvement” category made up of several subcategories. Then, schools receive a “+” or “-” next to their grade based on whether or not they meet additional annual goals. This seems potentially confusing to stakeholders and a bit complex to translate into action at the school or district level. Yet Oklahoma’s system could be a sophisticated look at the many factors that make schools successful. The state should clarify how it will maintain focus and how it will work with districts and states to clearly understand and improve school ratings.

Oklahoma lacks some data capacity to implement its teacher-evaluation plans, which are yet to be finalized. Oklahoma has only adopted some of the required guidelines for educator evaluations while others are still in development. Fifteen percent of teacher ratings, for example, would derive from “other measures” teachers choose with their administrator. The other measures could, but not necessarily, include state assessments, school assessments, “off the shelf” assessments, ACT and AP scores, or graduation rates. Some of these measures would be rigorous and consistent across schools in a district. Others like school assessments are nebulous and could be potentially inconsistent. We think the state should clarify how the “other” category would work in practice and whether or not it would diffuse the impact of student growth.

# Findings

States vary in their approach to accountability and evaluation systems in their applications. A few observations stand out and merit consideration:

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## Clarity of goals

Some states proposed clear, quantifiable goals for school progress. Others proposed goals that were difficult to understand and may complicate how well schools and the public understand them or use them to improve. Clarity is key to securing buy-in from schools and, more importantly, to ensuring that goals can be used to support and spur improvement.

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## Clarity of school ratings

Some states proposed clear and rigorous systems for holding schools accountable. Others proposed complex schemes that rely on too many factors and diffuse attention from key achievement measures. The field does not agree on any one approach, but there is surely a happy medium between current law and a confusing constellation of factors.

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## Inclusion of subgroups

Some states maintained goals and accountability for student subgroups that face challenges. Others proposed accountability systems that may deflect attention from each group of challenged students. Several states proposed combining subgroups into “super groups” in order to include more students and schools in the accountability system. States could bolster their plans by making a data-driven case that they are correct and by making such data public for independent observers to verify.

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## Readiness to evaluate educators

Some states appear to have the data and policy infrastructure needed to implement new evaluation systems right away. Others are just beginning and need to clarify how they will create and execute brand new systems. Some states have clearly defined factors they will use to rate educators, while some have not. This is a wide variance that deserves careful scrutiny. States should not be penalized for starting from scratch, but they should enhance their plans with an analysis of capacity.

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## Reduction of burden

Few states shared specific plans for reducing administrative burdens placed on districts and schools, though the department gave minimal direction for doing so. States should clarify their thinking on this topic and the department could help by providing guidance or at least asking for more information.

# Recommendations

The Department of Education has stated it will work with states and peer reviewers to enhance state plans. That is a wise move given the variance among applications. States are proposing new or experimental policies, so there is plenty of room for improvement. As the department enters new territory in monitoring and overseeing state reforms, it should keep the following recommendations in mind:

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## Do not rush to approve every application

States are clamoring for relief from federal requirements, but not every plan is as solid as it could be. The department should keep the bar high so that states indeed make ambitious reforms. The stakes are lower in the first round because states have time before the end of the school year to make adjustments. But the department will need to remain firm as the spring approaches and the pressure mounts to offer relief.

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## Ask for more information

Some states should clarify how they will treat student subgroups in accountability systems, how prepared they are to implement evaluation reforms, and how they plan to reduce administrative burden on districts and schools. Few states described specific plans for reducing burden. And there is wide variance in how states treat subgroups. Equity is a key principle of federal education law, so the department has a critical role to play in ensuring states meet the needs of all students.

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## Proceed with caution

States have proposed new ways to treat student subgroups in accountability systems. This could provide better focus for school improvement efforts or divert crucial attention from historically disadvantaged students. States have

also proposed increasing the factors used to rate school progress. Such changes can improve the sophistication of evaluating schools or distract from a few key measures. The secretary should carefully distinguish those plans that enhance subgroup and school accountability from those that backtrack.

# Conclusion

Some states have submitted thoughtful waiver applications that deserve serious consideration, while some have submitted applications that deserve serious conversation about how to improve. Our analysis is a modest and brief snapshot of the first 11 proposals, which raises questions more than providing definitive answers about the merits of each application. We commend these early states for re-envisioning their education systems in a transparent way and for engaging in a dialogue with the Department of Education to enhance their plans. Much work lies ahead, however, in refining, evaluating, and ultimately implementing these applications.

We know from past experience that the inertia of the status quo can hinder even the best-laid plans. So we urge the department to set the bar high in the approval process, even as it works with states to enhance their plans. Given the lack of immediate congressional action to reauthorize No Child Left Behind, these plans form the blueprint for the next few years of education reform. The pressure is on, rightfully, to ensure such reforms are indeed ambitious and achievable.

# Appendix A

## Flexibility from No Child Left Behind requirements<sup>23</sup>

1. **Flexibility regarding the 2013–14 timeline for determining adequate yearly progress.** Current law requires states to ensure 100 percent of students are reading and doing math at grade level by 2013–14. Each year states set achievement targets that lead to that goal. A waiver would allow states to push the deadline back and to set new yearly goals that are more practical.

2. **Flexibility in school improvement requirements.** Current law requires schools that repeatedly miss their yearly targets to take federally defined actions to improve, with actions becoming increasingly severe each year schools miss their targets. Such actions have not proven effective on a large scale. A waiver would allow states to develop their own schedule and actions.

3. **Flexibility in district-improvement requirements.** Current law requires school districts, like schools, to take federally specified actions when they miss their yearly targets. A waiver would allow states to create their own improvement system for districts.

4. **Flexibility for rural districts.** Current law allows rural districts some leeway in the use of federal funds. A waiver would increase that leeway.

5. **Flexibility for schoolwide programs.** Current law allows districts with enrollments of at least 40 percent low-income students to use federal funds for whole school programs. A waiver would allow districts to expand that option to any school that is a priority or focus school (see Appendix B for a definition).

6. **Flexibility to support school improvement.** Current law sets aside funds targeted to low-performing schools but restricts their use to Title I schools. A waiver would allow districts to more broadly use those funds but within low-performing schools.

7. **Flexibility for rewarding schools.** Current law outlines how states and districts can reward schools making progress. A waiver would increase their ability to do so.

8. **Flexibility regarding highly qualified teachers.** Current law requires that teachers in core subjects have certain credentials to be deemed highly qualified. Districts that cannot or do not meet the requirement must set aside a percent of federal funds in order to improve teacher qualifications. A waiver would allow states and districts to forego these requirements and instead focus on improving how effective teachers are with students in the classroom. A state would not be exempt, however, from ensuring poor and minority children are not taught at higher rates by inexperienced, unqualified, or out-of-field teachers, a key civil rights protection for disadvantaged students.

9. **Flexibility to transfer funds.** Current law allows states and districts to transfer funds between various federal programs. A waiver would increase their ability to do so.

10. **Flexibility to use School Improvement Grant funds.** Current law sets aside funds for improving chronically low-performing schools but only schools eligible for Title I funds. A waiver would allow states more leeway to use that money in priority schools (see page 5 for a definition).

### Optional flexibility

11. **Flexibility for increasing learning time.** Current law provides approximately \$1 billion for improving learning outside of the regular school day, such as afterschool and summer school programs, through the 21st Century Community Learning Centers program. Research and good practice have shown that expanding the school day or year to increase learning time can improve student outcomes. A waiver would allow states to use federal money for increasing learning time in addition to programming outside the regular school day and year.



# Appendix B

## Reforms required to receive flexibility<sup>24</sup>

College- and career-ready expectations for all students

**The Department of Education requires states to:**

- Adopt college- and career-ready standards in at least reading and math
- Implement the new standards by the 2013–14 school year
- Adopt and administer assessments that measure student growth in grades 3–8 and once in high school
- Adopt English language proficiency standards
- Annually report the college-going and college credit-accumulation rates for all students and subgroups of students

State-developed accountability systems that recognize success and support schools that struggle

**The Department of Education requires states to:**

- Develop new accountability systems based on reading and math, graduation rates, and student growth over time
  - Option A:** Include only reading and math scores.
  - Option B:** Include subjects other than reading and math.
- Set ambitious but achievable annual goals in at least reading and math
  - Option A:** Reduce by half the percentage of students who are not at grade level (i.e., proficient) within six years.
  - Option B:** Ensure 100 percent of students are on grade level by 2020.
  - Option C:** Use another sound method that results in ambitious but achievable goals for all students.
- Recognizing “reward schools” that make progress on those goals
- Identify the bottom 5 percent of low-performing schools as “priority schools” and effect systemic change by following federal turnaround parameters
- Identify an extra 10 percent of schools that have the greatest achievement gaps between student groups as “focus schools” and work to close the gaps
- Provide incentives and supports to ensure improvement in all schools not making their yearly goals
- Build state, district, and school capacity to improve student learning

Supporting effective instruction and leadership

**The Department of Education requires teacher and principal evaluation systems that:**

- Are used for improving instruction and meaningfully differentiating educator performance
- Use multiple factors to rate educators with student growth being a significant factor
- Regularly evaluate educators and provide usefully, timely feedback
- Use evaluation ratings to inform professional development and personnel decisions

Reducing duplication and unnecessary burden

**The Department of Education requires states to** assure that they will evaluate and revise administrative requirements to reduce duplication and unnecessary burden on districts and schools.

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## About the author

**Jeremy Ayers** is a Senior Education Policy Analyst at the Center for American Progress, where he focuses on advancing the Center’s federal policy agenda including issues of teacher and principal effectiveness, school improvement, and fiscal equity. Prior to joining American Progress, Ayers was a classroom teacher in Florida where he taught both elementary and middle school grades. Before teaching he was a policy analyst for the Alliance for Excellent Education, a national high school reform organization based in Washington, D.C. Ayers got his start in education policy working for the Family Resource Center, a small nonprofit serving rural North Carolina children and their families. Ayers holds a master’s degree from Duke University and a bachelor of arts from McMurry University in his home state of Texas.

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## Acknowledgements

Research assistance for this report was ably provided by Jennifer Steck and Stephanie Frenel. Conversations with Natasha Ushomirsky, Allison Horowitz, and Melissa Tooley at The Education Trust were also helpful. The author is solely responsible for the analysis and conclusions of this report.

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## Disclosure

Cynthia G. Brown, Vice President for Education Policy at the Center for American Progress, served as an alternate peer reviewer for the first round of NCLB waivers. She reviewed a draft of this brief. But she did not share information or engage in conversation about the waiver application she read with the author or staff at the Center for American Progress.

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## Endnotes

- 1 See Jeremy Ayers and Cynthia G. Brown, "A Way Forward" (Washington, DC: Center for American Progress, 2011).
- 2 Jeremy Ayers, "Republican Education Bills Appease the Right but Do Little to Help Struggling Students," *ThinkProgress Economy*, September 16, 2011, available at <http://thinkprogress.org/education/2011/09/16/321589/republican-education-bills-struggling/>.
- 3 Center for American Progress Action Fund, "Podesta and Brown on Senate HELP Committee's Bill to Revise No Child Left Behind," Press release, October 19, 2011, available at [http://www.americanprogressaction.org/pressroom/2011/10/statement\\_esea](http://www.americanprogressaction.org/pressroom/2011/10/statement_esea).
- 4 Information for this section comes from U.S. Department of Education, "ESEA Flexibility" (2011). For more information on the optional waiver, see Isabel Owen, "Take Your Time: Why States Should Use Education Waivers to Increase Learning Time" (Washington, DC: Center for American Progress, 2011).
- 5 Information for this section comes from U.S. Department of Education, "ESEA Flexibility" and "ESEA Flexibility Request" (2011).
- 6 "Partnership for Assessment of Readiness for College and Careers," available at [www.parconline.org/](http://www.parconline.org/) (last accessed December 6, 2011).
- 7 "SMARTER Balanced Assessment Consortium," available at <http://www.k12.wa.us/smarter/> (last accessed December 13, 2011).
- 8 See Naomi Chudowsky and Victor Chudowsky, "State Test Score Trends Through 2008-09, Part 1: Rising Scores on State Tests and NAEP" (Washington, DC: Center on Education Policy, 2010). The Education Trust used data from ten states to determine that reducing by half the percentage of students not at grade level (i.e., the gap-cutting goal in the waiver package) is an achievable goal because it is being met by a "substantial number of schools" in those states. See Natasha Ushomirsky, Daria Hall, and Katie Haycock, "Getting It Right: Crafting Federal Accountability for Higher Student Performance and a Stronger America," (Washington, DC: The Education Trust, 2011).
- 9 Indiana estimates in its application that improving two letter grades would require increasing proficiency rates by 20 percentage points by 2020.
- 10 Perhaps this is why a number of states have moved to giving schools letter grades.
- 11 NCLB requires states, districts, and schools to collect and report student achievement data for all students, as well as for low-income students, ethnic minority groups, students with disabilities, English language learners, and by gender.
- 12 See Michele McNeil, "NCLB Waiver Plans Offer Hodgepodge of Grading Systems," *Education Week*, December 2, 2011, available at [http://www.edweek.org/ew/articles/2011/12/02/13waivers\\_ep.h31.html?r=1740683738](http://www.edweek.org/ew/articles/2011/12/02/13waivers_ep.h31.html?r=1740683738).
- 13 Minnesota will base 35 percent of probationary and tenured teachers' evaluations on student growth. Remaining factors, with unspecified weight, can include observations, portfolios of work, and measures of student engagement.
- 14 Jeremy Ayers and Melissa Lazarin, "Incentivizing School Turnaround: A Proposal for Reauthorizing the Elementary and Secondary Education Act" (Washington, DC: Center for American Progress, 2011).
- 15 See Chuck Edwards, "The Fourth Certification," *Title I-derland*, September 30, 2011, available at <http://titleonderland.blogs.thompson.com/2011/09/30/the-fourth-certification/>.
- 16 Ushomirsky, Hall, and Haycock, "Getting It Right."
- 17 Florida would use this data to identify 15 percent of its schools as low-performing schools. But that would not necessarily hold the remaining 85 percent of schools accountable for subgroup progress.
- 18 See "Teacher Student Data Link Project: Participating States and Districts," available at <http://www.tsdl.org/ParticipatingStatesSchools.aspx> (last accessed December 14, 2011).
- 19 See Ulrich Boser, "Return on Educational Investment" (Washington, DC: Center for American Progress, 2011).
- 20 See Diana Epstein and Raegen Miller, "Subtraction by Distraction: Publishing Value-Added Estimates of Teachers by Name Hinders Education Reform" (Washington, DC: Center for American Progress, 2011).
- 21 If approved, New Jersey's new report card would rate schools based on achievement, graduation and postsecondary success rates, closing achievement gaps, and college and career readiness. It would also track student-level progress including early warning indicators, college and career readiness, and how successfully high school graduates fare in college.
- 22 John Mooney, "Pilot Teacher Evaluation System Slow to Gain Traction in Newark," *NJ Spotlight*, December 8, 2011, available at <http://www.njspotlight.com/stories/11/1208/0032/>.
- 23 Information for this section comes from U.S. Department of Education, "ESEA Flexibility" (2011).
- 24 Information for this section comes from U.S. Department of Education, "ESEA Flexibility" and "ESEA Flexibility Request" (2011).

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